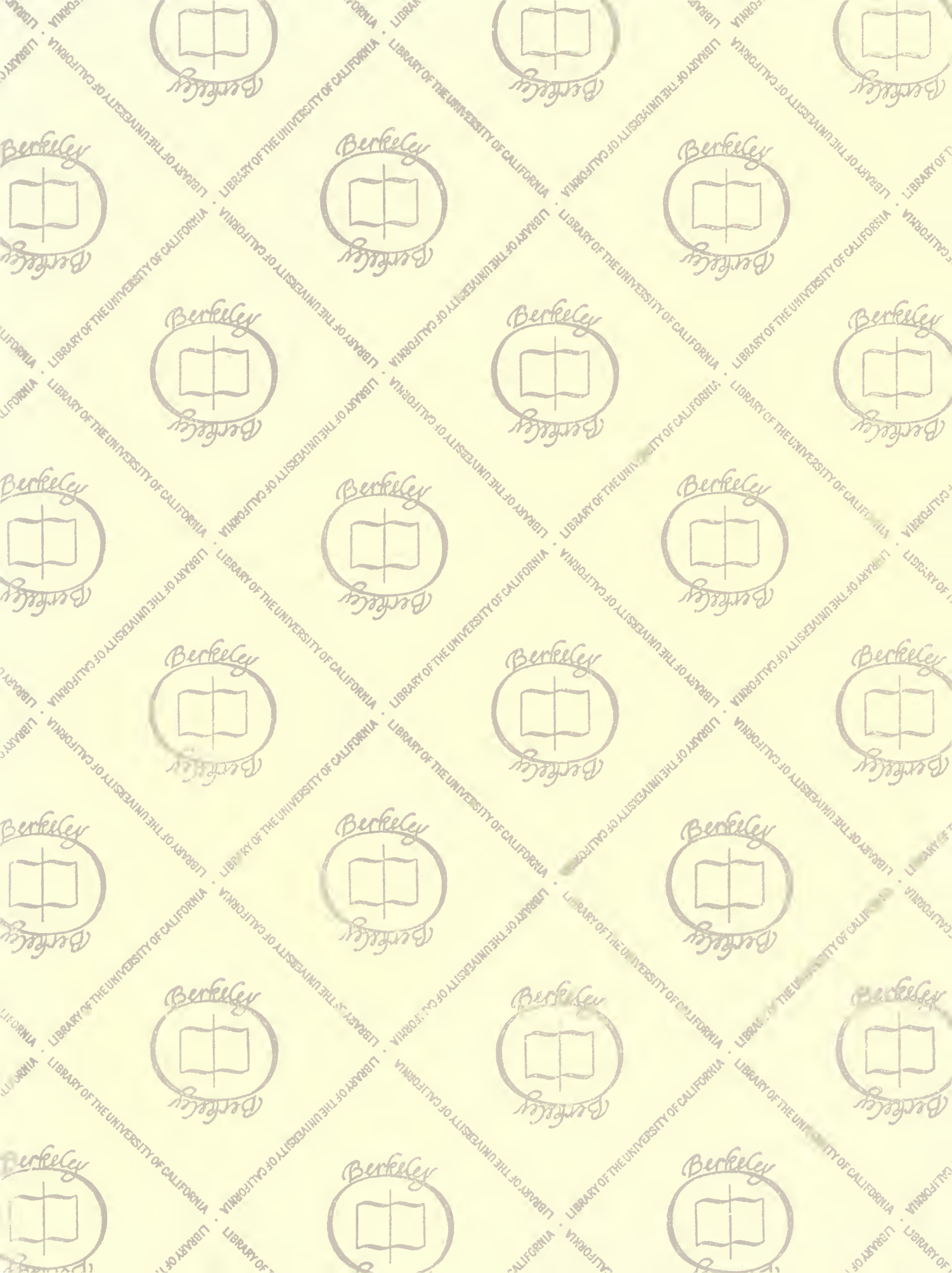


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Governmental History Documentation Project

Goodwin Knight/Edmund Brown, Sr. Era

CALIFORNIA CONSTITUTIONAL OFFICERS

- | | |
|------------------|--|
| A. Ronald Button | California Republican Party Official
and State Treasurer of California,
1956-1958 |
| Phil S. Gibson | Recollections of a Chief Justice
of the California Supreme Court |
| Stanley Mosk | Attorney General's Office and
Political Campaigns, 1958-1966 |
| Harold J. Powers | On Prominent Issues, the Republican
Party, and Political Campaigns:
A Veteran Republican Views the
Goodwin Knight Era |

Interviews Conducted by
Amelia R. Fry, Gabrielle Morris,
James H. Rowland, and Sarah Sharp
in 1977, 1978, 1979

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PREFACE

Covering the years 1953 to 1966, the Goodwin Knight-Edmund G. "Pat" Brown, Sr., Oral History Series is the second phase of the Governmental History Documentation Project begun by the Regional Oral History Office in 1969. That year inaugurated the Earl Warren Era Oral History Project, which produced interviews with Earl Warren and other persons prominent in politics, criminal justice, government administration, and legislation during Warren's California era, 1925 to 1953.

The Knight-Brown series of interviews carries forward the earlier inquiry into the general topics of: the nature of the governor's office, its relationships with the legislature and with its own executive departments, biographical data about Governors Knight and Brown and other leaders of the period, and methods of coping with the rapid social and economic changes of the state. Key issues documented for 1953-1966 were: the rise and decline of the Democratic party, the impact of the California Water Plan, the upheaval of the Vietnam War escalation, the capital punishment controversy, election law changes, new political techniques forced by television and increased activism, reorganization of the executive branch, the growth of federal programs in California, and the rising awareness of minority groups. From a wider view across the twentieth century, the Knight-Brown period marks the final era of California's Progressive period, which was ushered in by Governor Hiram Johnson in 1910 and which provided for both parties the determining outlines of government organization and political strategy until 1966.

The Warren Era political files, which interviewers had developed cooperatively to provide a systematic background for questions, were updated by the staff to the year 1966 with only a handful of new topics added to the original ninety-one. An effort was made to record in greater detail those more significant events and trends by selecting key participants who represent diverse points of view. Most were queried on a limited number of topics with which they were personally connected; a few narrators who possessed unusual breadth of experience were asked to discuss a multiplicity of subjects. Although the time frame of the series ends at the November 1966 election, when possible the interviews trace events on through that date in order to provide a logical baseline for continuing study of succeeding administrations. Similarly, some narrators whose experience includes the Warren years were questioned on that earlier era as well as the Knight-Brown period.

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The present series has been financed by grants from the California State Legislature through the California Heritage Preservation Commission and the office of the Secretary of State, and by some individual donations. Portions of several memoirs were funded partly by the California Women in Politics Project under a grant from the National Endowment for the Humanities, including a matching grant from the Rockefeller Foundation; the two projects were produced concurrently in this office, a joint effort made feasible by overlap of narrators, topics, and staff expertise.

The Regional Oral History Office was established to tape record autobiographical interviews with persons significant in the history of California and the West. The Office is under the administrative direction of James D. Hart, Director of The Bancroft Library, and Willa Baum, head of the Office.

Amelia R. Fry, Project Director
Gabrielle Morris, Project Coordinator

1 January 1980
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A. RONALD BUTTON

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Berkeley, California

Governmental History Documentation Project

Goodwin Knight/Edmund Brown, Sr. Era

A. Ronald Button

CALIFORNIA REPUBLICAN PARTY OFFICIAL
AND STATE TREASURER OF CALIFORNIA, 1956-1958

An Interview Conducted by
Sarah Sharp
in 1979

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INTERVIEW HISTORY

A. Ronald Button was an important figure during the era when Earl Warren was governor of California, as well as during the period when Goodwin J. Knight and Edmund G. Brown, Sr. were governors. He has had personal close friendships with many top figures in the Republican party since the 1940's, and has held several key positions within the party. In addition, between 1956 and 1958 he was state treasurer of California.

Because of Mr. Button's importance as an interviewee, he was contacted as early as 1973 to try to arrange an interview. However, illness and other factors prevented our actually conducting a taping session until 1979. The present interviewer-editor arranged to meet with Mr. Button for one interview on 24 October 1979 at his office, conveniently located adjacent to his own apartment in a handsome building on Wilshire Boulevard in Los Angeles. After some initial discussion, Mr. Button selected the topics about which he wanted to talk. This all too brief interview focused on the personal recollections Mr. Button had of Governors Warren and Knight, and of a few of his formal political positions held within the Republican party, and his appointment as state treasurer.

A quiet and thoughtful man, Mr. Button opened the interview with a description of his warm friendship with Earl Warren, highlighted with lively anecdotes. From this, Mr. Button moved on to a discussion of his years (1950-1953) as treasurer of the Republican State Central Committee. He spoke candidly about the changes he made in the party's approach to fund raising. Button's years as national committeeman for the party followed, from 1953 through 1956. Since it was in 1956 that the Republican national convention was held in San Francisco, Mr. Button had special responsibilities as one of California's representatives to the national Republican party. And again, lively recollections of this post were recorded.

Ron Button and Goodwin Knight became acquainted early in their careers in Los Angeles. Their friendship deepened as the politically tough years for Governor Knight, 1954 through 1958, edged on. When Governor Knight appointed Mr. Button to the post of state treasurer, as Mr. Button described during the interview, Knight was relying on his friend to give the office a fresh start after the end of the thirty-five year tenure of Charles G. Johnson. However, Mr. Button did a great deal more than this. It was under his brief tenure that the office began a more assertive approach toward the sale of California state bonds on the eastern market, among other new activities.

Mr. Button took the task of the editing of the transcript of this interview seriously, adding clarifying phrases and sentences throughout. He also sent back, along with his transcript, the article which appears in the appendix, a piece which gives additional highlights to his years as state treasurer. Mr. Button's interview, although covering only a small portion of his activities and career, adds much to our knowledge of the politically complex Knight-Brown era.

Dr. Sarah Sharp
Interviewer-Editor

21 August 1980
Regional Oral History Office
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Who's Who in the West, 1980-81
Seventeenth Edition, p. 104.

BUTTON, A(LBERT) RONALD, lawyer, b. Plainview, Nebr., Aug. 29, 1903; s. Albert L. and Sue E. (Bridwell) B.; A.B., Stanford, 1925, J.D., 1928; Harvard Law Sch., 1925-26; m. Jeannette C. Cushman, 1921 (div. 1930); 1 son, Richard Ronald; m. 2d, Gladys McConnell, Aug. 29, 1931 (div. 1973); children—Albert Ronald II, Mary Barbara, m. 3d, Dorothy A. Shelton, Sept. 30, 1974. Admitted to Calif. bar, 1928, Ariz. bar, 1940, Nev. bar, 1934, U.S. Supreme Ct., 1935; specializing in corp., bus., real estate law, Hollywood, 1928—; pres., dir. Gen. Investment Corp., Placer County Land Co., Desert Sky Devel. Corp., Rancho Mirage Realty Co., Desert Sky Realty Co., treas. State of Calif., 1956-59. Mem. Martin Luther King Hosp. Commn., 1973—; Treas. Calif. State Republican Central Com., 1950-53; chmn. Calif. State Central Com., 1952-53; chmn. rules com. Rep. nat. conv., Chgo., 1952; state campaign coordinator in Calif. delegation campaign 1952; vice chmn. Eisenhower campaign So. Calif., 1952; state pres. Calif. Republican assembly 1951-52; treas. Rep. Western Conf., 1955—; Rep. nat. committeeman, 1953-56, exec. com., 1954-56; host nat. committeeman Rep. Nat. Conv., 1956. Trustee, mem. investment and finance com. U. Redlands, 1972—; trustee Rotary Found., 1970-72. Served to maj. Signal Corps, AUS, 1942-45. Mem. Am., Los Angeles, Ariz., Calif., Nev., Hollywood (pres. 1931-32) bar assns., Am. Legion, Amvets World War II (Calif. comdr. 1946), Hollywood C of C. (v.p. 1968-69, pres. 1969-73, dir. 1968—), Fin. Officers Assn. U.S. and Can., Delta Upsilon, Phi Alpha Delta, Delta Sigma Rho. Mason (32 deg., K.T., Shriner) Clubs: Bohemian (San Francisco), Los Angeles Country, California (Los Angeles); Harvard Southern Cal.; Thunderbird Golf and Country (Rancho Mirage); Rotary (local pres. 1966-67, dist. gov. 1968-69, mem. internat. finance com. 1972-74, chmn. 1973-74, cons. group 1975-76). Home: Apt 3D 10375 Wilshire Blvd Los Angeles CA 90024. Office: 10375 Wilshire Blvd Suite 9K Los Angeles CA 90024.

I BIOGRAPHICAL BACKGROUND

[Interview: October 24, 1979]##

Sharp: What I usually like to do is start with a few biographical questions so we know who you are, and just don't have your name and a list of things that you did. I'll just ask you, first of all, what your name is.

Button: I might refer you to this Who's Who in the West. That's a pretty accurate assessment of me.

Sharp: Okay, we have those in our office.

Button: Now the latest one is Who's Who in the West, seventeenth edition. It is the last I was in-- '80-'81. That will give you all the background.

Sharp: Fine. Does it put your parents' names in?

Button: Parents, wives, children.

Sharp: Does it include your ethnic origin?

Button: No.

Sharp: May I ask you what your ethnic origins are?

Button: Sure. I don't know what ethnic origins mean.

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 43.

Sharp: Where did your parents come from, for instance?

Button: Oh, I think that's in there, Illinois and Iowa.

Sharp: A Midwestern family. [pause]

Button: [refers to Who's Who] Where I was born, Plainview, Nebraska; August 29, 1903; name of my father and mother; class at Stanford and Harvard; sons and daughters and wives; and then activities.

Sharp: Did you grow up in Nebraska too?

Button: Yes.

Sharp: Well, I'm from Kansas so we've got a lot in common right off the bat!

Button: Yes, I was there for grammar school, high school and my first two years of college.

Sharp: I really liked the Midwest.

Button: I do too. I enjoyed it there. Happy days!

Sharp: That's a real nice place to grow up.

Button: Yes, certainly. At least it was.

Sharp: Everybody comes to California eventually though, I guess!

Button: I have more Nebraska friends out here.

Sharp: Really? Does the piece on you in Who's Who include your early career history? I know that you are a lawyer.

Button: Well, let's see. [refers to Who's Who] [It lists] when I was admitted to the California bar, the Arizona bar, the Nevada bar, the [California] Supreme Court, my specialty in practice of law, nothing prior to my being a lawyer.

Sharp: What kinds of activities did you do before you became a lawyer?

Button: I was in school.

Sharp: You went to Harvard Law?

Button: Harvard Law and Stanford Law. The day that I graduated, the next morning, I started practicing.

Sharp: Oh, you're lucky! [laughter] I think it takes a little bit longer now.

Button: I had the job all lined up before I finished.

Sharp: Did you come to California then to go to law school?

Button: Yes, I took two years at the University of Nebraska and then finished at Stanford and then went back to Harvard Law. Then I came back and got my final degree in law at Stanford.

Sharp: Okay, fine. I think I'll go ahead and take that information from Who's Who so we can go on now and talk first about your friendship with Earl Warren. The first question, a pretty basic one, is when did you first meet Earl Warren?

II DEVELOPING A STRONG FRIENDSHIP WITH EARL WARREN

Button: He had two terms, didn't he?

Sharp: He had three actually.

Button: When was the third term?

Sharp: The third term started in '50 and, of course, he then went to the U.S. Supreme Court in '53.

Button: Then the other one would have started when?

Sharp: In '46, I believe.

Button: I met him when he started the second term [1946].

Sharp: How did you both meet? What were the circumstances?

Button: I did a lot of speaking and our paths crossed when he was speaking and I was on the program too. It was the second term, when he was elected the second time.

Sharp: What were your first impressions of Earl Warren?

Button: Oh, I knew a lot about him without having met him, and I had a lot of respect for him. It just grew as I got to know him better.

Sharp: Did he seem an especially good governor to you?

Button: I thought so. I know many didn't like him. A lot of the doctors. I thought he was a great governor, and I knew his record pretty well as district attorney of Alameda County. I'll tell you he did a good job there too.

Sharp: When you knew other--[tape interruption: telephone rings]

Button: I don't think I'll get many calls because people think I'm out of town.

Sharp: Great!

When did you begin to feel that you were really getting to be friends with Earl Warren?

Button: [pause] When did you say his second term started?

Sharp: That would have been in '46.

Button: I was on the Philadelphia delegation in '48, and that's where I really got to know him.

Sharp: Was it hard to be friends with the governor?

Button: Oh, no, I didn't think so.

Sharp: Just because of the kind of man he was?

Button: Oh, he was a easy person to know. He was very bright and very friendly and very warm. I know a lot of people thought he was very stiff, but when you got to know him at all he wasn't.

Sharp: Did you get to take time off together to go on vacations?

Button: No, I never went on a vacation with him. I was with him daily when he had the convention fight for delegates. There were two delegates. It was '52, I think, and he called me and asked me if I'd come up and talk to him, and I did. He said he would appreciate it if I would be there for three months solid, in Sacramento. They would set up a separate office for me across the street from the capitol, to handle all of his correspondence and everything relating to the California delegation. I took it and I saw him everyday then--everyday and every night.*

Sharp: That must have been a matter pretty strong on his mind--[tape interruption: telephone rings]

My question was about the period when you were helping him to work on the California delegation in '52.

*Mr. Button was state campaign coordinator in the California delegation campaign for the 1952 Republican national convention.

Button: It was three months.

Sharp: That must have been a pretty intensive, important time for both him and you.

Button: It really was. First of all, I did all of his political correspondence during that time and his secretary signed his name. She signed it just like he could sign it. You couldn't tell the difference as a matter of fact!

Sharp: Did you go into those three months believing that he would be a good president?

Button: Yes.

Sharp: And that's why you took the job, because you were convinced of that?

Button: Sure. Yes.

Sharp: How did you view his desire to be president?

Button: I thought he would make a very, very able president; very honest, very competent. He was a fellow that got things done. I wasn't so sure he would be elected because of the opposition of the medical [profession]--all of the doctors were against him.

Sharp: What did you think his chances were, overall, in terms of the whole country? Did you think that the doctors would be a very, very important force all over the country?

Button: No, I thought it was more in California.

Sharp: You worried about his just getting out of California?

Button: Yes.

Sharp: Do you think that he was extremely disappointed that he didn't win?

Button: No, because he got the big plum of the world. [President Dwight] Eisenhower made him chief justice.

Sharp: Did Warren have many thoughts about that before it happened?

Button: Nothing. He never mentioned it to me.

Sharp: Were you especially disappointed that he didn't win?

Button: No, I wasn't very confident that he could win.

Sharp: Did Warren's being chief justice then seem the right niche for him as far as you were concerned?

Button: I wouldn't have pictured him as a chief justice. I would have pictured him as a member of the court, but not chief justice. I don't think he ever pictured himself a chief justice either. But he did a great job once he got in, fantastic. He was one of the finest administrators I have ever known and that's part of what that job was.

Sharp: You had seen him administering, especially in the state of California?

Button: Oh, he did a beautiful job I thought. He was a top flight executive.

Sharp: There's some sense that a politician or a statesman, whichever you would consider Earl Warren to have been, that there's a sense that once they are in a campaign they have to keep on running. Was that part of Earl Warren's desire to be president?

Button: No, I don't think so. If he had not been happy in what he was doing, he would have gotten out quick. [chuckles] He was that type.

Sharp: I have one last question. Could you sum up what kind of person you really thought he was? Are there any stories that you remember about him that illustrate what you think?

Button: Well, he was an extremely dignified person. People who didn't know him well might have shied away from him. But for anyone to know him at all, even not intimately, he was [an] extremely friendly, warm personality. His appearance would scare the average person. He would look very formidable, but once anybody knew him at all--he couldn't stand phonies. They had to be up and above board, honest, decent people, or else he didn't want any part of them. He would be tough on racketeers or anybody like that, as he was as district attorney of Alameda.

To show you how warm and friendly the fellow was, I rode with him practically every day for those three months. We'd go out to the country club for lunch. Of course, he didn't drive. He had a state car and a chauffeur. As we'd be driving along, the windows would be up in the car and all along the way he'd be waving at people, and not only waving, he'd be talking to them. I used to say to him, "Nobody hears you. The windows are up. Why do you do that?" He said, "It's a habit. I like people, and I like to say hello to them. I say, 'Hello, Bill' and 'Hello, Jose.'" A warm, warm personality, really.

Sharp: That is a different picture.

Button: It is. The outside picture would be a very tough, austere man.

Sharp: That's the picture that I have heard before.

Button: There came a time after I had been up there three months--handling the delegation campaign because he had opposition for the delegation, some Democratic Senator died. I think he was from Sacramento and it was a question of appointment for someone to replace him and, of course, Warren had the power to fill the Senate vacancy. That was one appointment I was interested in, to be in the U.S. Senate, but I never asked him for the appointment.

One day he took me to lunch and said, "Ron, we haven't talked about the Senate vacancy, but I know your qualifications and your desire, I'm sure, to be in the Senate. I've given a great deal of thought to it because you would be my choice for appointment to fill the vacancy in the United States Senate. The thing that has bothered me is that you've never run for public office. You've been very active in the Republican party. You've been very active in different organizations. But I just have a great fear that without having ever run a statewide campaign, you would be defeated. You would have a couple years in the Senate and then we might lose the seat."

"I, frankly, have weighed it between you and Tommy [Thomas] Kuchel. I think you would do a better job and are better qualified for the Senate than Tommy Kuchel is, but I think he's much more electable than you because he was the youngest member of the legislature and he's been running for public office for several years; first the assembly and then the state senate. That is the reason why I wanted you to come out today and I wanted to talk with you. I'm not going to appoint you. I'm going to appoint Kuchel for the reasons mentioned."

He waited a couple of weeks before he did it. We got very, very close. And Kuchel did a good job. [Warren] was right about it: I don't think I would have been re-elected, as I look back on it now. After all, when [William] Knowland took us all down the drain (at the time of his running for governor and forcing Knight to run for the Senate), I was state treasurer, and while I came in with the smallest loss of anyone that was running, nevertheless, I lost right along with the rest of the ticket. So I think Warren's judgment was good in not appointing me to the U.S. Senate.

Sharp: How did that make you feel though?

Button: I was disappointed, of course, very disappointed, because I thought I had become so close to him [Warren] that I would be his choice, but I failed to consider the electability part. I just thought of doing the job and I would have loved to do it. But I have to agree in my own mind that he was right. Kuchel got elected and he had been around the campaign track which I hadn't.

III DUTIES AS TREASURER OF THE REPUBLICAN STATE CENTRAL COMMITTEE

Sharp: Your first official post that we have down here, as far as the Republican party is concerned, are your years as treasurer of the state central committee from 1950 to 1953.

Button: Yes, I was on both the county and state central committees for a long time, and state president of the California Republican Assembly and active in the [Republican] party, but I had never run for or been interested in any public position, except the one that I didn't get as U.S. Senator.

Sharp: We need you to school us in what that role meant to be treasurer of the Republican state central committee, because we don't have very much knowledge [about it].

Button: All my life I've been involved in finance and deals of all kinds as a lawyer, so I was not surprised when I was elected treasurer of the state central committee.

The existing method of raising money for the Republican party was by letters mailed primarily to businessmen, but I felt solicitation should be expanded to everyone.

So I inaugurated the plan of going out to all the people and also having hundred dollar a plate dinners, and it paid off. Also of sending letters all over the state to people for funds; not big funds but small ones. Everybody laughed at me and said, "You'll never get any money that way." But we did. So that really is all I accomplished as treasurer of the state central committee, i.e., to design a new method of raising our money. I got Charlie [Charles S.] Thomas (who is still living, I think), he was Secretary of the Navy under [President Dwight] Eisenhower, I got him to take the [position of] chairman of the finance committee for the state. He was an organizer and he did a good job in expanding the base.

Sharp: How were the campaign periods different from the non-campaign periods in terms of--

Button: In the Republican party do you mean?

Sharp: Yes, in terms of raising funds and so on.

Button: Well, it was a lot easier to raise funds when a campaign was coming up than it was in the off years.

Sharp: Because you could point to certain candidates and say, "Well, he's the person who's to--"

Button: Yes, that's right. But this is also an innovation that I put in that [Charles S.] Thomas agreed with and we did it successfully, and that was to run the campaign for raising money on the off years the same as during the campaign years.

Sharp: That unless you do it all the time, you're not going to have support.

Button: That's right. Otherwise it goes way down for three or four years and then it's hard to get it reorganized again.

Sharp: Paul Helms was treasurer of the Republican state central committee before you. How did he help you get used to being treasurer or did he?

Button: I knew Paul very, very well, but when I would talk to him at length, after I was elected treasurer of the state central committee, I found he didn't have any particular system to reach everyone. He had been doing it the way they had done it all these years, to make a list of all the so-called rich people and call them up or contact them by letter for large donations. That was the way he was doing it. Paul didn't believe it was possible to raise any money from the masses and felt it was a waste of time.

Sharp: From whom?

Button: The masses; people who were not wealthy. Helms thought it had to be done with the rich people, but I didn't agree with him.

Sharp: Was that considered a typical attitude do you think, that you couldn't raise money from people who could give only \$5 or \$10?

Button: I think that was the general attitude at the time when he was treasurer of the state committee. I think at that time, that was the general viewpoint nationally too--"Don't waste time with the little people; you've got to get the big money."

Sharp: When you say the "big money," do you mean that somebody drew up a list of the most important industrialists in California, or something like that?

Button: Yes, right. The finance committee would have a list of the wealthiest people who they solicited by mail. I know the Democratic committee did the same thing. They would send out personal letters to these people.

Sharp: In California were there people like, well, I'm not sure I know anybody.

Button: Asa Call, Howard Ahmanson, those kind of people.

Sharp: They knew that they would be contacted?

Button: Oh, yes.

Sharp: They sort of expected it saying, "Oh, it's you again?"

Button: That's right. I had been on the finance committee before I was state treasurer and I'd sit in on these finance committee meetings. They almost lost me in politics because they'd say, "Let's go over the list now of who has contributed \$5000 or more. Why, he should have given much more."

That's ridiculous! It almost cured me because I felt very funny about contributing money anymore. I didn't like that attitude, but that was an attitude. "If they are not giving big money, forget them."

Sharp: If the Republican party then depended on a pretty short list of people in California to give money, then there must have been tremendous pressure on those people to give huge sums.

Button: Oh, all the time, all the time--and always with the same people which was silly, I thought. Well, it's not that way now.

Sharp: I know it's quite a bit different now. I did some research on Governor Ronald Reagan's '66 campaign. There was quite an attempt to get grass-roots organizational support in terms of votes, and I expect funds as well.

Button: The two go hand-in-hand I always thought.

Sharp: That is, you give \$5 to somebody then--

Button: Then you're going to have some interest in the campaign.

Sharp: As treasurer of the Republican state committee, did you then report to the chairman what was going on in the party in terms of fund raising?

Button: Yes. We had our finance committee and the chairman of the state central committee always sat in the finance committee so he was kept abreast.

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- Button: I keep saying, "the state treasurer." I meant treasurer of the state central committee; it's quite distinct from treasurer of the state of California. [laughs] There's quite a gap!
- Sharp: I think the biggest question in terms of financing for the Republican state central committee, and in this finance committee that you told me about, is who decides where the money goes in terms of a candidate in any given election?
- Button: The finance committee. There's a state finance committee with a northern branch and a southern. The northern ones would decide the use of the funds in the north and the southern finance committee would decide it in the south. Then the county central committees in each county would also decide what happened to the money raised in their county. So it was pretty well organized on the use of the funds.
- Sharp: You must have been aware then, that whatever candidate got the funds was going to be elected, or did you think that?
- Button: Nobody got any funds in the primaries, so when the primaries were over the money went to the nominee. So there never was any conflict there.
- Sharp: Nineteen fifty to 1953 were years of real change in the Republican party in California from what I can tell.
- Button: I had that impression.
- Sharp: Why do you think they were? ✓
- Button: I think the change came about primarily because of the recognition of people in the party rather than just the so-called "fat cats." It suddenly switched. The party no longer was run by the wealthy people. It didn't matter whether you were wealthy or not. You still had a place in the activities of the party.
- Sharp: Is that change in the party really what kept you interested?
- Button: That's what interested me, yes.
- Sharp: Also there was that change that came when Earl Warren left in 1953. He had been, as governor, at least titular head of the Republican party for a long, long time, and then there was [Goodwin] Goodie Knight.* How did that change the inner structure of the party as you saw it?

*Goodwin Knight became governor in 1953, when Earl Warren was appointed chief justice of the U.S. Supreme Court.

Button: I must say about Warren, the distinction between Warren and Knight was great. Warren was a great politician, but he was not a party man. I don't think he had any real knowledge of what was going on in raising money in the party or doorbell ringing. He was just a fine person and a great man in politics, but I think he got it in spite of himself, because he was not really close to the party itself.

Now, Goodie was the warm, hale fellow, well met. Everybody liked him, Democrats and Republicans. Well, Democrats and Republicans [were for] Warren too, I must say. But [Knight and Warren] were two totally different people, and the organization changed radically when Knight stepped in, in place of Warren.

Sharp: How did that change?

Button: Goodie was out on the firing line all the time in politics, whereas Warren stayed in the office.

Sharp: Knight was more interested in knowing what was going on?

Button: Yes, he wanted to know everything about what was going on--down to the grassroots--whereas Warren really didn't take the time to worry about the grassroots.

Sharp: Of course, when Knight came in as governor in '53, he had a little less than a year, really, to get ready to actually run. Did he come in ready to run, or was that the party's feeling?

Button: He was such an extrovert. He was around the state all of the time. I used to go around with him. After Warren, I'd go around with Knight a lot. Warren was great at remembering people and I thought he was fantastic, but not as good in that respect as Goodie Knight. Knight was unbelievable.

I would be touring the state in a campaign with Goodwin Knight and we'd go into a great big crowd with everybody milling around him and he'd see someone. I probably didn't know anybody. Knight would say, "Why, Bill, it's so good to see you! How did little Joe come out with his broken leg? I remember a year or so ago, he broke his leg. Did it come out all right? Did it heal up?" And these fellows would say, "Holy mackerel! The governor remembers me." [laughs]

He was fantastic in that way. Warren had it to a great degree, but not like Goodie.

I used to say to Goodie when we were flying on planes or driving someplace, "I don't understand this memory that you have for faces. I never forget a face, but I can't identify the name with it like you can."

Button: Knight said, "Oh, that was easy. When I was in Stanford, I made up my mind I was going into politics and I made up my mind I was going to be a governor. I knew well enough that I had to learn how to remember people's names and all about them. So that was very easy."

"How did you do it?" [Button asked]

"Oh, that was easy," [Knight said]. "I just remembered their birthday, and when I would see them, I would say, 'Let's see, you were born on such-and-such a day, the day and the date and the year. These people would almost faint!'" He would say, "I'd remember their birthday and the minute I'd see their face, I'd recall their birthday and then I'd remember their name."

I said, "Boy, that's a hard way to do it! You must be a genius." That's how he did it. I can't understand that, but he did it.

Sharp: That's amazing. I'm sure I couldn't.

Button: Oh, I can never forget a face, but I have trouble still with names.

IV FRIENDSHIP WITH GOODWIN KNIGHT: PERSONALITIES AND POLITICS

Sharp: Me, too. Let's go on and talk about Goodie Knight now. The first question I have is about when you met him. Did you meet him when he was lieutenant governor?

Button: No, I met him on the bench. I tried cases before him when he was in Los Angeles.* It was as a judge that I really first knew him. Then I was in a legal fraternity called Phi Alpha Delta which he was active in. I think he was the national president at one time. I saw him at all of those meetings.

Sharp: So were you pretty good friends with him by the time you went to Sacramento?

Button: Oh, yes, we were extremely good friends long before I went to Sacramento.

Sharp: Was it your impression that he liked being a judge?

Button: Yes, he was a good judge and all the lawyers, I think, respected him. I think always though, inherently, he was a politician and wanted to be a governor. LS

Sharp: Was he, in that sense, more a politician than Warren was?

Button: Oh, much more of a politician than Warren.

Sharp: And his ambition was more--

*Goodwin Knight was a superior court judge in Los Angeles from 1935 to 1946, when he was elected lieutenant governor.

Button: Oh, yes. Warren didn't have any of those qualifications. It's amazing to me, as I look back on it, how Warren got elected so easily. It was just because in spite of this they'd say, "Well, he's a good governor. He does a good job." But with Goodie it would be, "Well, he'd make a good governor, but also he's a great guy."

Sharp: Did he have all of these qualities when you knew him as a judge?

Button: Yes, the same.

Sharp: Did he seem to change very much when he became lieutenant governor and then governor?

Button: No, I don't think he changed one bit from judge to governor.

Sharp: Did he take for granted that he would be governor in 1954, and he would come out of the election as governor?

Of course he went in, in '53, after Warren went up to the U.S. Supreme Court, so he was governor for really about a year at the end of Warren's term.

Button: That's right, succeeding Warren because he [Knight] was lieutenant governor.

Sharp: Then in '54, of course, he had to really run.

Button: Yes, but I think he was confident all the time that he was going to be re-elected.

Sharp: Now, Richard Graves was his opponent then.

Button: I don't remember Graves at all. I'd even forgotten who his opponent was at that time.

Sharp: How often did you get to see Knight when he was governor?

Button: Not too often, until he appointed me as state treasurer. Then, of course, I saw him all of the time--constantly.

Sharp: Did you get to take time off together at all and do any hunting or anything?

Button: No, he wasn't an athlete. Now, Warren--there's a fellow who enjoyed hunting and fishing.

Sharp: Warren was a hunter.

Button: He was a hunter and a fisherman and everything like that--rugged. Goodie was not the outdoor type.

Sharp: When did you first get to meet Virginia [Knight]?

Button: Oh, I think right after he married her in 1954.*

Sharp: So you didn't know her as Virginia Carlson?

Button: No. As a matter of fact, I don't think I really knew his [first] wife, Arvilla. I knew her, but I couldn't say I knew her well. I got to be very close with Virginia though, but I had not known her before the Knight marriage.

Sharp: Did you get to go to Virginia and Governor Knight's wedding?

Button: I'm sure I did, but I can't remember when it was even.

Sharp: I don't have any details on it.

Button: I'm quite sure I did, yes--Oh, I'm sure I would have been at the wedding.

Sharp: We understand that you went on their honeymoon in a manner of speaking.

Button: No, no. As I remember it, Frank Muller, who had a yacht called the Mojo, was a very close friend of Goodie's and also Virginia's. I think they were going to Catalina on their honeymoon, if I'm not mistaken, and he [Muller] suggested that they take over the Mojo and he'd have all his crew and that's where they went for their honeymoon.

Sharp: I had a few questions about contrasting Goodie Knight and Earl Warren, but I think you've answered probably most of this.

Button: Yes, I think I pretty well have!

Sharp: There was some feeling that Knight and Warren didn't get along very well and I wonder what you thought about it.

Button: I think that was true. Their whole nature was so opposite that I don't think they were the type who ever could have been close to each other. Goodie was a back-slapping type and [it was] one of the things that bothered Warren, I know, and it also did the business people. Goodie, for example, would go into a San Francisco banker's meeting, or something like that as a speaker and he'd stand there and do a tap

*Governor Knight, a widower, married Virginia Carlson in 1954.

- Button: dance with his feet--he was good too! He'd never wear a hat, and they didn't understand that in San Francisco. He was totally different. I just couldn't imagine Warren tap dancing in front of a bunch of business people! [Laughter] Goodie was just a hale fellow well met, and a very warm person.
- Sharp: Was there any sense with Goodie Knight that he was trying to somehow fill the shoes of Earl Warren, once he became governor in his own right?
- Button: I don't think he tried in any way to copy Warren.
- Sharp: Warren was almost a legend. He had been a governor a very long time.
- Button: That is true, but if Goodie had tried to duplicate Warren's personality he couldn't have done it. I don't think he even thought about it. There was a whole new staff when he went in. The door was open always to anyone, but not with Warren. You had to have an appointment.
- Sharp: I think that right there speaks a lot about the difference.
- Button: I think it does.
- Sharp: You talked just a little bit about the changes that the Republican party went through when Goodie Knight became governor. Now, Warren had been governor such a long time: he was considered head of the party.
- Button: Yes, no question about that.
- Sharp: When Knight became governor, did he automatically become head of the party?
- Button: He would be automatically accepted as the head of the party, but he was an entirely different type of "head."
- Sharp: You told me that he was really interested in more of the detail--
- Button: Very active in the party itself.
- Sharp: Did that ruffle a lot of feathers in the party?
- Button: No, no, because he was never obnoxious about it. He just showed a great interest. For example, I was state president of the California Republican Assembly, a volunteer organization. I don't think Warren probably spoke there more than once, whereas Goodie never missed any of their statewide meetings. He always went, whether he was invited or not. He always had that interest.
- Sharp: Do you think that Governor Knight really had vice-presidential or presidential ambition or not? There was some real feeling that Governor Knight was thinking of himself maybe as a favorite son.

Button: Yes, I think if you come to think about it, he probably was. I was extremely close to him then.

Sharp: What did you think about that?

Button: I didn't think Knight had much chance and I told him so very frankly.

Sharp: Although there was some feeling that maybe Eisenhower would not choose Vice-President [Richard] Nixon to run again with him.

Button: Yes, I know. I think Goodie would have more than liked to be, and he thought he had a chance at that time for the presidency, but he didn't.

Sharp: I think that clears it up. Do you think you really wanted to be U.S. Senator later on down the road?

Button: Yes, I often regretted that. Of course, I was very close to Tommy Kuchel and liked him and I agreed with Warren's judgment. So I followed what Kuchel did and in many ways would have done differently. Certain issues would come up that I would have handled differently. I patted myself on the back that I would have done a better job, but I had to admit that I probably wouldn't have been elected.

Sharp: [pause] I know you don't really want to talk about the "Big Switch."

Button: Do you mean when Knight ran for the Senate?

Sharp: Yes.

Button: I would prefer not to.

Sharp: Did you think, though, that if Governor Knight had run for governor anyway against Knowland that he would have won, that somehow the people of California would have just elected him anyway?

Button: Well, his money was all cut off, as you know. But I often thought that with the love that the masses had for him, he [could have] nicked and dined it. I think he could have raised a lot of money if he had stayed in. I was very disappointed when he backed out.

As a matter of fact, because I had been national committeeman, I went back [to Washington, D.C.] and talked to Knowland about it. I said, "I think this is horrible. I don't understand why you want to run for governor. I know because I come back here all the time, there's not a Democrat or Republican in the Senate that doesn't have tremendous respect for you. The Senate is a platform [from which] to become president. What I don't understand is the image of a governor is so vastly different than your image as a [U.S.] Senator. I think you're making a big mistake and you may not make it."

Button: He [Knowland] didn't like that very much. He was a real [shakes fist] tough guy. He said, "No." I guess I went there four different times and tried to urge him to give it up. He said, "No, no. I've made up my mind." He was a stubborn man.

Sharp: That was a really hard period in California politics.

Button: That was a tough one. What you refer to as "the Big Switch" was a real blow to the Republican party.

Sharp: Later on then, Governor Knight had a very brief attempt to run for governor again. This was in '62. I wonder if you thought he really wanted to be governor again or if there was some other reason for running. In '61-'62, Knight again just briefly ran for governor and he then had to drop out because he got hepatitis. So the campaign was very, very brief. I don't know if you remember that.

Button: No, I don't remember that. I remember the hepatitis. Do you mean he really launched a campaign for governor?

Sharp: It was brief because he got sick pretty much right away. But it was in at least a lot of the newspapers that he was going to run again.

Button: I do remember. I do remember, and he started having meetings. But it was not for very long. It was a very short period. Yes, you're right about that.

Sharp: I wonder if you know if he really wanted to be governor again or if that was just part of that politician's always running for the available office.

Button: I just have a feeling that it was his political instinct that said "I ought to do this." This was after Knowland was licked now, wasn't it?

Sharp: Yes. Knowland, of course, didn't win in 1958. So this was in '61 or early '62, when Nixon ran for governor of California.

Did you get to see Governor Knight more then, after he was no longer governor?

Button: Oh, yes, I saw him frequently.

Sharp: What did you like to do when you got together?

Button: [laughs] With Goodie, the main thing was talking about politics. We reminisced.

Sharp: Did you get together for dinner?

Button: For lunch mostly. We would have lunch a lot together.

He went in a bank, remember, and he was very enamored with that. He was sort of a business-getter, not a banker in the detail sense. He enjoyed that because he enjoyed people. I think he always missed not being governor.

Sharp: Especially because Pat [Edmund G. Brown, Sr.] Brown was governor and it was probably a little difficult to watch a Democrat sitting where you used to sit.

Button: Yes.

Sharp: You mentioned to me on the phone that you had been friends with Bill [William] Knowland.

Button: Yes, I was very close to Bill too.

Sharp: That must have been hard to be friends with Earl Warren, Goodie Knight, and Bill Knowland because they were competitors.

Button: Actually, I wasn't as close to [Richard] Nixon as I was to the rest of them. I was close to Warren and to Knight and to Knowland. I never got that close to Nixon. I really didn't care as much for him as I did these other men. Yes, it was very difficult in that last convention. What was the last one?

Sharp: Do you mean the '56 convention?

Button: Fifty-six.

Sharp: In San Francisco.

Button: That was a very tough one.

Sharp: That got pretty heated.

Button: It got real sticky because Nixon and Knowland people were maneuvering. As it turned out, they pushed Knight out of the way which I hated to see. But it was a very unhappy situation.

Sharp: They were also troubling your Republican party too, and you told me that you thought pretty highly of the party when it was doing what you thought were pretty moral things.

Button: Yes, they were violating all of those principles, I thought. The party had tried to uphold in Republican unity.

Sharp: Was it easy to be friends with Bill Knowland? You told me that he was a pretty stubborn man.

Button: Very stubborn and not a very warm person. I had been a member since '49 of the Bohemian Club of San Francisco and Knowland was a member, and if there ever was a time when somebody should be warm and friendly it's up at the Grove. He was a member there and I'd see him up there and it was always, I remember Knowland as "yep, yep, yep, nope, nope, yep, nope." No conversationalist at all. I know he liked me very much, but I never got close to him like I did Warren and Knight. They were warmer people.

Sharp: I bet you must know another friend and good interviewee of ours, because I think he was a member of the Bohemian Club, too, and that's Preston Hotchkis.

Button: Oh, very well.

Sharp: I've interviewed him three times now. He's a wonderful man.

Button: A nice person and a great money-raiser.

V ROLE AS NATIONAL COMMITTEEMAN FROM CALIFORNIA FOR THE REPUBLICAN
 PARTY, 1953-1956

Sharp: I'd like to talk about your years as national committeeman and we have you as a member from 1953 through 1956.

Button: Yes.

Sharp: Again, you'll have to school us in what your tasks were because I don't think we've spoken with any other national committeeman, and we don't really know what you did.

Button: The function of a national committeeman is [as] a liaison between the state party and the national party. When I became a national committeeman, after a few meetings in Washington, I was elected a member of the executive committee of the national committee. It's the executive committee of the national committee that really runs the national committee. Their job is to see that the money comes in, and to organize the national campaigns. They were looking at the states and dealing with the state committees to see that they were doing the job, and trying to beef it up in every way they could. [The national committee] has an excellent staff; always did. The national committee also does substantial fund raising.

Sharp: MacIntyre Faries--

Button: He was my predecessor.

Sharp: Did he help you understand what you were supposed to be doing?

Button: Not to any extent. Mac was a good friend of mine, but he wasn't much of a driver. He was great at arranging luncheons for someone, an important personage in Washington who might be coming out here, a Senator or something. He would be great to put on a lunch. But organization-wise, he was not very strong.

Sharp: You told me that you tried to change the method money was raised at the state level. Did you get to do other innovative things like that once you became national committeeman?

Button: Well, I did one thing that took a little bit of doing.

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Button: [When] I became a member of the Republican national committee and a member of the executive committee, it seemed to me like it was filled with people who were prominent in the money field or social field. But I really didn't feel they were down to what I thought of as the "masses." At every executive committee meeting I would say, "We have to do something to reach the people."

For example, at a national convention, it was a big deal to get passes. The national committee was very careful to see that the people with the money got passes. I think it was in the '52 [Republican national] convention, maybe, when it got very hot. People were milling around outside that couldn't get in. Whoever it was that was running the meeting at that time said, "Will the sergeant-at-arms open the doors and let the people in?" [laughs] I thought that was great and I used that with the national committee. I said, "The thing that happened at the convention, on account of heat, is something you ought to be taking to heart."

Sharp: How did they take that?

Button: Some of them not too well, but we brought it about.

Sharp: Who were some of the people who were receptive to that?

Button: The national committeeman and woman from Washington were very [receptive]. The western national committeemen and women were very receptive to it. It was the Eastern national committeemen who were more for "Well, we do it this way. This is the way we've always done it and we get big money from the corporations." But they came around and tried to "spread the base."

Sharp: Was this a full-time position?

Button: Oh, no, just expensive!

Sharp: So you were an attorney in L.A. for the whole time.

Button: I was an attorney in Los Angeles and I was the national committeeman for California. If the national organization or a Senator or a congressman wanted to contact anybody in the state of California, they would have contacted me to set up a meeting. Likewise, all federal appointments were supposed to clear with me and the Senator.

Sharp: Did you have anything to do with bringing the Republican national convention to San Francisco in 1956?

Button: No, I wasn't on that committee. The national committee picked it and I've forgotten who was on it. But I was the host national committeeman for that convention, of course, because I was the national committeeman from California.

Sharp: That must have been a lot of extra work for you.

Button: That was an awful lot of work. It was a lot of work and a lot of expense that I hadn't quite visualized.

Sharp: Do you mean for you personally?

Button: Yes.

Sharp: They just expected you to absorb it somehow?

Button: Yes, I had forgotten. We were getting ready for the convention in San Francisco. I had to go up there three weeks in advance and stay there on arrangements. Somebody during that period of time said (I think it was Bill Knowland), "What are you planning as a reception for all of the dignitaries?" "Oh" [I said], "I wasn't really planning anything, Bill. Why?"

"Well, the national committeeman, where the convention is held, usually holds a big cocktail party and invites all the big brass from Washington that are here, [like] the Senators, congressmen, other national committeemen and women, and other dignitaries. The committeeman from the convention state is the 'host' committeeman."

I said, "Well, no, I really didn't realize that. Do you mean the national committee isn't going to do that?"

Knowland said, "Oh, no, that's the host national committeeman's responsibility, and you are it."

I said, "Boy, you're talking about a lot of money, I think. Are you talking about a cocktail party?"

"Well, maybe a formal dinner," [Knowland said].

"No, if it's a formal dinner, forget it. That's going to run into too much money," [Button said].

Sharp: That's a lot of chipped beef!

- Button: I said, "If you're talking about a cocktail party, I think I can handle it, but nobody in the national committee has ever told me that."
- Sharp: There wasn't a kind of communication that gave you a list that told what you were supposed to do?
- Button: No. Leonard Hall was the chairman and Len was out there at the same time I was. We worked side by side, making appointments, to get the mechanics of the hotels--that was a big job, the hotels lined up for people. But even Len never spoke about having this cocktail party. It cost me quite a bit of money too.
- Sharp: So how did it turn out?
- Button: It turned out that I did it.
- Sharp: Was it a cocktail party or a big dinner?
- Button: It was a cocktail party for all the national committee, Senators and congressmen and their wives.

VI TERM AS STATE TREASURER OF CALIFORNIA, 1956-1958

The Appointment

Sharp: The next section, which was really the last one, concerns you as state treasurer of California from '56 to '58. I typed up a list of people who worked with you.

Button: In the treasurer's office you mean?

Sharp: Yes.

Button: Lloyd Lapham was one. [pauses to look at list]

Sharp: You can just hang onto that list. The first question I think we need to begin with is knowing about some controversy which surrounded the state treasurer who preceded you, and that was Gus [Charles G.] Johnson. We don't know the details of that story, but we know he left under rather unfortunate circumstances.

Button: The senate, for all practical purposes, threw him out.

Sharp: Why?

Button: I was not privy to the entire background of the problem. From what I heard, apparently his son, whom he had employed in the office, was cashing personal checks with state money. He was putting the checks in and the checks would sometimes not be any good. Also (and this was all just rumors to me; I wasn't involved at that time), I kept hearing during the period when they had these hearings in the senate, that it was the first time a constitutional officer had ever been threatened with expulsion by the senate, which they did finally.

The senate also accused him of having an "old widow's fund," and I heard about that after I went in as treasurer. He apparently would go to the banks and big corporations (he had been in thirty-two years as I remember; I can't remember how old he must have been), and request donations, and this had been going on all during his period apparently.

Button: I think you should talk to some of the leaders of the state senate in 1956 to ascertain the full reason for the senate hearings.

Sharp: Did all of this leave sort of a shadow on the treasurer's office?

Button: I think so. As a matter of fact, I didn't know enough about what had happened or I would never have taken the appointment. [Governor] Knight asked me if I would take it. He said, "You read about Gus Johnson." [Button said] "Yes, I read about it, and I know they fired him in effect, and they threw him out as state treasurer."

Governor Knight said, "That's right, and it's a real problem. I've got to get someone right away and I'd like to have you."

I replied, "Oh. Well, I have a pretty active law practice and I'm doing a lot of real estate development in the Palm Springs area, so I don't have any time for it. Do you mean full-time be the state treasurer?"

"Yes." [Knight's reply]

"Oh, that isn't for me " [Button remarked]. I remember I was in the desert at the time and he [Knight] had me fly to Los Angeles to meet him, and when I arrived he said, "Get on the plane and let's talk on the way up to Sacramento."

I said, "I have a trial in the morning."

Knight said, "That's all right. I'll have the plane bring you right back."

He was explaining all about Johnson and how urgent it was that someone get in there that would be respected. Knight said, "You're highly respected in the business world. You're an ideal person for this. You don't need to stay, but what is important is that for the next couple of months to have someone like you get in there and reorganize it. There's a pretty bad smell and I want you to clean it up. You're the kind who can do it. Everybody respects you. If you'll just do it for a few months, that's all you have to worry about. Then you can resign and go on back and I'll appoint someone else."

I was in Sacramento three and a half years, and it took me almost a solid year to get the problems half-way straightened out it was so bad.

Sharp: What did you do on your first day there?

Button: The first day there I talked to one of the assistant deputies about the details of the duties of treasurer and the Johnson problems.

"Well, there really isn't anything to do [a staff member said]. We have a bond sale (a sale of bonds), a couple of times a year, but it's no big problem."

I asked the top people in the office, "What is the purpose of the state treasurer's office? If it's just to put money in the vault and see that it isn't stolen, this can't justify being a constitutional office."

Nobody seemed to really be doing anything. Finally, I learned all this after I had accepted and been sworn in as the state treasurer. I found the staff was largely just hopeless.

So the first thing I did was try to get rid of everybody and hire somebody who was competent and who knew something about finance. I found in state government you can't do that. They're all civil service and I couldn't even get rid of my secretary until she got a job as high or better in pay than the job she had, which I finally got for her with the help of Goodie--I didn't know enough about state government to do that. I was pretty naive about state government and civil service. I thought it was like a business, which it wasn't at that time.

A New Approach to Bond Sales*

Button: After being in there--a short time, I discovered that the state of California sold, a least three or four times a year, millions of dollars worth of California general obligation bonds. One [bond sale] was coming up about a month after I took office, and that's what got me into the details. I asked, "What procedures do you follow? What do you do about selling a bond?" I asked my deputy.

The deputy said, "Mr. [Charles G.] Johnson just took a little ad in the Bond Buyer. That's kind of like Variety. The Bond Buyer is the bible of newspapers for all bonds, just like Variety is in the motion pictures industry."

*See the Appendix for an important article which appeared in Business Week, October 5, 1957, on Mr. Button's approach to bond sales.

Button: "Did Johnson or somebody from the office go back and talk to the investors who buy the bonds? Obviously, there must be the insurance companies and the Wall Street people who are contacted."

"Who goes back?"

"Nobody."

I said, "Nobody in thirty-two years has gone back there?"

"No."

"Well, that's not the way I'm going to run it. I'm going to talk to someone who approves the validity of the bond? There must be some lawyers involved in approving the bonds."

"Oh, yes, a large law firm in San Francisco certifies that the bond is properly drawn and that they're general obligation bonds and have the full faith and credit of the state."*

The deputy gave me his name and I went up to San Francisco and talked to him. I said [to the firm], "Have you been doing this bond work for a long time?"

[The following dialogue was between Mr. Button and the law firm.]

"Oh, yes, for the state. We are the firm that handles it."

"Did you know that nobody ever goes back East to where the bonds are sold to try to develop the full faith and credit of the state for prospective buyers?"

"Yes, I've often wondered why somebody didn't do that."

I said, "In thirty-two years it must be pretty sad the bids that the state would get."

The attorney replied that they didn't do it, "But, of course, we're just there to pass on the validity of the bonds."

"That isn't enough. I find that nobody's ever prepared any brochures for the buyers on the quality of the state which would show the quality of the bonds."

"That's true and I have wondered about it."

*This law firm was Orrick, Herrington, Rowley and Sutcliffe.

Button: "Well, I'm going to do it. Do you see any objection to that?"

"I don't see any objection. I have talked to some of the senators who agree with your approach, but of course it's going to cost some money."

"Yes, it's going to cost some money. Before every bond issue, I want to get out a brochure. I want to be sure it's sent to every agency, bank, everybody that would be substantial buyers of California bonds. At least a month before the bonds sale, I want to go back and talk to Wall Street, and go up to Hartford to see some of the big insurance companies and talk to them. They are investors. "Well," he said, "I think it's a fine idea." So that's what I did.

There was nobody in the treasurer's office competent to prepare a brochure on the state of California to show the fine credit of California.

Sharp: That's really incredible.

Button: It's hard to believe, isn't it?

Sharp: Were not the bonds and the other investments that the state treasurer's office was supposed to make, meant to make money essentially to help run the state?

Button: The sale of bonds is what enabled different projects to be done by the state.

Sharp: It's hard to believe that with the increased needs of the state, the increased budget, and the fact that everybody could see this come along the road, that nobody would pay any attention to the state treasurer's office.

Button: Well, apparently, when you have a man who has been in there over thirty years, I suppose the governors and everybody else around the capitol figured, "Well, he must be doing a good job--he's been in over thirty years."

I was fighting, fighting, fighting all the time for the changes I felt were needed, but I didn't make too many friends in doing it. I made friends all over the East--when I first went back and sent these brochures out in advance. They were professionally and beautifully done.

Incidentally, I got approval of the legislature and I hired Lloyd Lapham, who was [with] United Press in Washington D.C.--and a great newspaper man. I didn't know him, but I checked around with all the newspapers. He was the best fellow for this type of thing.

Button: People said, "He can really get out fine brochures and he knows what he's doing." Many said, "If you can get Lloyd Lapham, he's an egg-head, he's a brain. He's head of the United Press in Washington, so I don't think you'll ever get him. But if you could, he'd be the best kind of man."

So I called him on the phone. I didn't know him. I told him what I wanted, the sad mess I was in. He said, "It sounds very intriguing to me. But I'd want to come out to talk to you and see what authority I'm going to have."

I got permission to hire him and I did so. I got the legislative approval. He went to work on statistics of the state of California that showed the credit of the state and prepared a fine brochure. I mailed that first one out because in two or three months, the first bond sale was coming up during my term. Then I had him go East with me as my assistant treasurer. He had set up advance appointments for me to see the different prospective bond buyers in New York and insurance companies in Hartford, Connecticut.

Sharp: That must have made you look at the state in a really different way. There you were, going to the East and selling the state or selling people on the future of the state.

Button: Yes, the credit of the state, what the value and credit of the state is.

Actually, it was so timely that the first meeting that [Lloyd] Lapham set up for me was with the National City Bank in New York City, the largest bank (at that time it was) on Wall Street. A couple of days before the meeting, Lapham and I had gotten a call from somebody at the bank who said, "We're so much interested in this treasurer coming back because it's never happened in all these years, that the board has authorized a large lunch. We're having a big luncheon for corporations and entities that buy general obligation bonds. We're going to have over a hundred top finance people in the East." So I said, "Fine."

When I walked in, the room was filled. Of course, I didn't know any of these people, but the president of the bank said, "You may be a little bit stunned seeing this kind of crowd. If I told you who is here, you wouldn't believe it. But I don't want you to get too bigheaded. They're not here because of you or your reputation. They have never heard of any treasurer of any state who has ever done this kind of thing, and they're just curious! They want to take a look at this oddball." [laughter] That is what he told me. It's probably true!

Button: You could have heard a pin drop. They had all gotten the material and they had the brochure in front of them, and I have to give full credit to Lloyd Lapham for the way it was laid out. A beautiful job. And from then on, every ninety days, I went back. The same thing resulted.

Sharp: That's when the sales occurred, every ninety days?

Button: Yes.

Sharp: What was the relationship between the state controller and the state treasurer?

Button: The controller was Robert Kirkwood. He was the controller when I was appointed, and had been for quite awhile. We had been very close friends in politics, so I knew him very well. He was very helpful to me because I didn't know anything about state government; I was a neophyte. We had a board that passed on the bond issues when they would come up and so forth, and he was on that board.

Sharp: Was the treasurer's office meant to be a check on the state controller, or what was the relationship?

Button: No.

After being in the treasurer's office a few months, I concluded that it was operated more as a conservator for the funds deposited with it; plus selling state bonds. I released a story to the press that unless the treasurer's office was given expanded duties, the office should be abolished and its duties transferred to the controller's office.

Senators and assemblymen came down to my office to discuss the article, as did Bob Kirkwood, the controller. They said, "Have you seen the paper today? Did you put that in?"

"Yes," I said. "I gave a press release."

"Well," they said, "You're cutting your throat, do you know that? This has never been done in the history of the state. You can't do things like this. You're talking about eliminating a constitutional office which will not be done."

"I didn't say 'eliminate the office,'" [Button continued]. "I said if the legislature won't give the treasurer more power of investment, then you might as well not have it. It's then just a custodial office."

Button: "Look at what you're doing, going to New York and the financial district--nobody ever did it before," [they continued].

"I'm doing it, yes, before every bond sale. It should have been done thirty-two years ago. But that shows how bad a situation it is in the office."

I lost a lot of friends in the legislature because politicians, I've discovered, don't like to eliminate offices; they want to create more!

Sharp: Was it a question, then, of the legislature not giving you the power to invest correctly or was [Charles G.] Johnson just not using the power that was there while he was treasurer?

Button: To my knowledge, Johnson never asked for any power other than those then existing.

A General Discussion of the State Treasurer's Operations

Sharp: Once you got on the inside of state finance, how did it differ from being on the outside as Republican treasurer?

Button: It's totally different. The first difference I found was that it was essential that I get around the state and make a lot of speeches about the office of the state treasurer. Nobody seemed to know anything about it. It was very difficult to get anybody to come to a meeting to hear the state treasurer, but finally it paid dividends and people came and finally learned something about the finances of state government.

Sharp: I xeroxed from the California Blue Book what you're supposed to do as state treasurer, and if you read it, it really makes the office sound important and seems to give you a lot of power. I wonder if you ever read that.

Button: Yes. [reads from book]* "It is the bank." Well, that meant having a nice, big vault and depositing the bonds in there. "Investing surplus state funds and the securities of the state." When I went in

*Mr. Button then paraphrased passages from page 273 of the 1958 edition of the California Blue Book.

Button: as treasurer, the practice had been to take a small ad in the Bond-Buyer when the state was selling the bonds. The bonds were coming to market every ninety days.

Sharp: So it was very passive.

Button: Entirely passive. "The chairman of the Pooled Money Investment Board" (that was the one that Bob [Robert] Kirkwood was on as controller), performed a valuable function because there we would determine how much money the state was going to need for operating and when to have a bond sale to meet the needs.

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Button: I don't know the date of creation of the Pooled Money Investment Board, but when I became state treasurer it was rather new.

Sharp: That's from the '58 volume of the Blue Book.

Button: Yes, I think it was created by the legislature. They finally realized something had to be done, such as an investment board, thanks to the treasurer not having done much.

Sharp: I would have thought that being state treasurer would have been a very political office in the sense that you would have had pressure on you to buy or sell bonds in a certain way or to certain people.

Button: No. There was no pressure that way, because the way I had set it up (and I'm not sure that that was true before), I insisted on more than one bid at the bond sales.

Sharp: So you made it more competitive?

Button: Yes, I made it competitive. The Pooled Money Board, I didn't have anything to do with setting up, but it was a very sound thing.

Sharp: What did it do?

Button: The state could make a lot of money by the investment of the funds that were not needed and its function was to determine when certain millions were needed and how much period of time the state had to invest in order to get interest. So it was a great function and had not been there very long. I've forgotten who was on there, but Bob Kirkwood was one of them. I think there were three of us--I was chairman, [then] the controller, and one other person. I've forgotten who the other was.* The treasurer's office will know.

*The other person was the director of finance, John M. Peirce.

Sharp: The last question I have is about the development of the state budget. What role did the treasurer have in the development of a budget? Did somebody sit you down and say, "Okay, what is possible?"

Button: No, I don't think by law the treasurer was concerned with any assistance on the budget. This was a legislative problem.

Sharp: Somebody just told you what the funds were and what was available to invest?

Button: That's right, I knew from the action of the legislature.

Sharp: So you came in, sort of, after the fact?

Button: Yes, I think that's the way it was. But the Pooled Money Investment Board, of which I was chairman, made a very careful analysis of the financial needs of the state and how much we could invest. There were three of us on the board and we had the same viewpoint, i.e., to get the highest return on the funds not needed for any certain time.

The Pooled Money Investment Board was one of the fine things that the treasurer's office chaired. It had only been in existence six months or a year.

The legislature kept giving the office increased responsibility after my published comments.

Sharp: Because they found you more willing to accept it?

Button: Yes, the leaders would come to me and say, "For a politician, you're the dumbest we've ever run into. Why would you say, 'Do away with my office.' You just got appointed."

[Button answered], "Because this is my life. If I'm just going to come up here and be a rubber stamp, that isn't for me. I've been pretty active all my life and this office is not worth while if it does not serve a valuable purpose."

So gradually, those who didn't know me got to know me and said, "That's a little different than Gus [Johnson] operated, and we are for expanding the treasurer's duties."

Sharp: I don't want to take up too much of your time, but it was in the fifties that the state of California began to have a big budget, well over \$1 billion. There were big projects being thought about, like the Feather River Project, which was part of the larger California water plan. So somebody was planning on spending a lot of money.

Button: Of course, this had been brought about as a result of action of the legislature. They would have passed on these things and I suspect the governor had pushed some of those things. The Feather River, I remember, wasn't that one of Warren's pet projects?

Sharp: It comes up to the surface, really, as one of Governor Knight's projects, but its origins may indeed have been quite a bit earlier.

Button: I think [Governor Earl] Warren's era started it and Goodie saw it to fruition.

Sharp: Although it's interesting that the machinery of how that kind of project would get funded sort of works out in a rather haphazard manner. I believe that Knight was very reluctant to raise taxes. He wanted to use up, for example, Governor Warren's rainy day fund and some of the revenues that were coming in from tidelands oil and other sources, rather than make definite changes in how money was received into the state's coffers. The treasurer's office was just not seen as something that could really help, I guess.

Button: That's right. I think that's true.

Sharp: So the Pooled Money Investment Board and the other activities of the treasurer's office took a more aggressive turn, then, after you became state treasurer.

Button: Much more. For example, I was just thinking as you talked. [pause] Here was another thing. I don't like to criticize anybody, and I didn't even know Gus Johnson, but I discovered that among the other weaknesses of the treasurer's office, in my opinion, was that all of the millions and millions of dollars that the state treasurer was the depository of went into a few large banks, where only small or no interest was paid. I kept running this down and I said, "I can't believe that. It's impossible, isn't it?"

The president of a major California bank said, "I happen to agree with you. I think they ought to pay interest and also I'm surprised at how few banks have state funds. I don't quite understand that."

"I don't either. I guess that's the way Gus [Johnson] did it " [Button replied].

As far as I was concerned, I felt every qualified bank in the state ought to have state money. Bank of America, Security Pacific, etc., and several other large banks had all of the state funds, and if they paid anything, it was nominal.

So I worked out a new arrangement so all banks would receive deposits of state funds on which they would pay interest, but they would also receive credit from the state for what services they performed for the state. There were a lot of services they performed

Button: that they were entitled to be paid for, and we worked out a format for that. Finally, the state was getting a return on "idle" money.

I lost a lot of my old friends in the banks. I talked to Clark Beise, the head of Bank of America, who was one of the most outstanding men I've ever known. He was then president of the bank. A great man. I hope he's still alive. I knew a lot of the bankers in the state, but those I didn't, I made it a point to go around the state and introduce myself when I was appointed. Mr. Beise was always very helpful. I talked to him and called this to his attention, the money situation under which the state was not earning any money and the banks were really not being properly paid for the services they performed.

"Yes, " he [Beise] said, "I happen to agree with you on that."

I said, "Do you also agree with me that it doesn't make sense to have three or four major banks have all the state money."

"How would you propose it?" [the banker asked]

"I would propose that deposits be based upon whatever their assets are, large and small; that every bank, however small, get state money on the basis of their financial statement."

The banker said, "Do you know how many banks you're talking about?"

"I'm talking about every bank in the state, and there are a lot of them."

"Well, I can't quarrel with it. I've never heard of it before " [the banker continued]. And the Bank of America was one of the big ones, so he was pretty decent to admit it. He said, "You're not going to be very popular with the banks and, at the moment, you are extremely popular. They think it's great what you've done. This innovation of going to New York, they never heard of it being done before. They're glad to see a businessman in there for a change, but you're now talking about money that hurts them when you take it away. It isn't the way to create friends and build up an election chest if you're going to run again."

"I don't care whether I run again " [Button answered]. "I may not ever run. I think it ought to be done. [pause]

"I'll tell you what I'd like to do. You're, in my opinion, the outstanding banker in this state and you're respected by all of the banks. If you will call a meeting of the heads of all of the key banks in the state, I will personally pay for a luncheon at the Bohemian Club in a private dining room." Mr. Beise was very good and said he would set up this meeting. He said, "What date?"

Button: "You name it" [Button answered]. "Whenever they can be here. I just want the key bankers in the state. However many you think are key, little ones or big ones, invite them."

He said, "I think that's a good way for you to proceed, but I don't believe it's going to do you any good politically."

"I don't care about the politics" [Button rejoined]. I just want them to understand why I'm doing this, and I'm sure they're not going to be happy about losing money. But I think everybody ought to have the same proportion of state idle funds as relates to their capital."

That was a pretty cold meeting. I think something like forty of the bankers came. These were the top men, i.e., the presidents of the banks, both big ones and little ones. Some of them I knew, some of them I didn't. Some of them I had heard of, but didn't know. They were pretty cool, even the ones that I felt were my friends. We had a nice lunch and had some drinks, and Finally Clark Beise introduced me and said that I had a new plan for allocating state money that I wanted to talk to them about.

Several of the bankers asked questions, but I had the feeling that they were not pleased with my suggestion.

Sharp: What you were doing, then, was talking about taking power and money away.

Button: That's right, except each bank would receive compensation for the services which they rendered the state.

Sharp: Did this plan then come to fruition?

Button: Yes, surely.

Sharp: Is that the practice now?

Button: Yes, that's the practice now, I am sure.

Sharp: So you were talking about their paying interest on state money that they hadn't paid and putting state funds in every bank.

Button: Every bank having a prorated share based upon their financial situation.

Sharp: I bet you weren't liked at all.

Button: I've been around politics all my life and I should have known. I knew it was going to be a jolt, but I didn't know it was quite that bad. When I came up for re-election, the banks took care of me very nicely. [William] Knowland lost by a million and one hundred thousand; I lost by a hundred thousand.*

I was the low man on the totem pole because it's not really a political office. A young fellow by the name of [Bert A.] Betts ran against me and most banks set up support for my opponent. I just thought that, finally, maybe the voters would catch on to the fact that here was a young man that wasn't competent for the treasurer's office. I felt I had done a fine job as treasurer, but I still lost.

Of course, if it hadn't been for the Knowland debacle, I don't think I would have lost.

Sharp: How do you look back on that experience as state treasurer?

Button: I look back on it with some sadness, because I had a great satisfaction in the results I obtained in the treasurer's office, even with its difficulties. I feel very proud of what I did, but from a financial standpoint, I often said, it was a very costly experience financially. My law firm had to get along without me for those three and a half years.

*Here Mr. Button refers to the 1958 election when William Knowland ran for governor and he himself ran for election (he had been appointed in 1956) as state treasurer.

Summing Up

Sharp: Then all the jobs you've had, really, except for being a lawyer-- your role as treasurer of the Republican state central committee, as national committeeman, and then as state treasurer, all the way along the line you've had to make quite a few personal concessions to do the jobs.

Button: Oh, yes. But none of them were costly like the [state] treasurer's. I went in and talked to Goodie about it and said, "Goodie, I have twenty-one salesmen down in the desert handling my development called Rancho Mirage. I just can't afford not to be down there and I don't want to embarrass you, but I think I've got to resign." This was about six months prior to the election of 1958.

He said, "Not only can you not now resign, but with the things you've done as treasurer, you can't even get out at the end of your term. You've got to run with all of us. You're going to be a strong man on the ticket[in 1958]." He just begged me. He said, "Please, you've got to stay and you've got to run again," which I did. This meant I sold out my whole subdivision. I often figure it up when I'm in Rancho Mirage (where we have a home), on what I sold it for and what the value is today. If I had it today, it would sell readily for about \$30 million. So when you say, do I have any regrets [laughs], when I think about the money I could have had, instead of a salary of \$14,000 a year, the three and a half years as state treasurer doesn't seem very interesting.

I had gone in always as a volunteer in the county committee and the state committee. I thought it was everybody's duty to get in and do their share in their own party. But nothing I ever did in politics required my full time.

Sharp: The money was an important consideration, but you just brought yourself a lot of headaches, too, and it wasn't exactly an easy bureaucratic lifestyle.

Button: No, not at all.

I got a letter from Alan Post, I'll never forget. You probably recall when he resigned from state government and took some important job. I got a letter from him that I'll never forget, saying that the state really owed me. I felt like writing him and telling him I wish they'd pay me \$30 million! [laughter] There were people like Mr. Post that made you feel good to know that they respect you, but 99.9 don't even think about it. I'm sure that's true of everybody. I'm sure [it was true of] someone like Goodie, whose ambition was to be a governor and where politics were his life. Whatever he may have

Button: given up financially to be in politics, that was what he was trained for and expected. He wanted it and loved every minute of it and was a "political" expert.

Sharp: That's what I understand from the people I have talked to. I never met him.

Button: You never met him?

Sharp: No.

Button: You would have loved him. Warm, friendly. Well, Virginia [Knight] is very much that same way. Very outgoing. She made a very good wife for him. Everybody liked her.

Sharp: Well, I think that is all of my questions. Thank you very much.

Transcriber: Michelle Stafford
Final Typist: Cheryl Ishida

TAPE GUIDE - A. Ronald Button

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Ford readies another Continental

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BUSINESS WEEK

A MCGRAW-HILL PUBLICATION

FIFTY CENTS

OCT. 5, 1957

A Reprint of the Article:

Road Tour to Peddle \$300-Million Bonds

FINANCE

Road Tour to Peddle \$300-Million Bonds

California state treasurer makes rounds of bond buyers, to improve the marketability of the state's securities.

The tall, graying man in the pictures, A. Ronald Button, 54-year-old treasurer of the State of California, is bent on a mission that's rather unusual for a high state official. In effect, he is laboring as a door-to-door salesman in a whirlwind dash around Hartford. His product in this round of doorbell ringing in Hartford last week: California state bonds.

The doors Button knocks on—in such financial centers as Hartford, New York, and Chicago—are mainly those of prospective purchasers of his bonds. That means officials of insurance companies, pension trusts, savings banks, and other big institutional bond buyers. He also stops to see underwriters and dealers, the actual bond retailers.

By his peripatetic sales campaign, Button has added a personal factor to the intricate mathematical balancing

and investment analysis that go into the sale of state and municipal issues—what one banker who has talked to him calls “the human equation in the evaluation of a municipal issue.” It's a factor that can improve the marketability of bonds, and by slicing fractions of a point off the interest cost of a bond issue can save a state substantial sums in interest payments over the life of a long-term issue.

• Stimulus—In a sense, it was Button's lack of experience in handling large bond issues—despite his long familiarity with corporate finance—that led him to this new approach. He has been in office only since November, 1956, when Gov. Goodwin Knight appointed him to fill out the remaining 26 months of the four-year term of his retired predecessor.

Button no sooner got his desk in

FULL DAY—California Treas. Button gets set for a round of bond promoting.

ROAD TOUR for Button on any day may include half-a-dozen calls to bring bankers and insurance men up to date on California finances.



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HARTFORD
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ITINERARY—Button and Asst. Treas. Lapham prepare for calls on underwriters to help promote California bonds.

order than he found he was facing a gigantic task. In January, California marketed \$85-million veterans and school bonds. In April, it went to market with another \$80-million issue, in July with another \$50-million. This month the state will peddle still another \$85-million bond issue. Total: \$300-million. This sum, Button calculates, will make California the largest bond-selling state in the Union this year. And there's no letup in sight. Next year California will bring to market another \$300-million of bonds.

That's a man-sized job for any state treasurer. It's even bigger when you consider that this huge total is let loose on a securities market already flooded by demands of municipalities for capital funds (BW—Sep. 21 '57, p. 181). New securities have been coming to market this year in near-record amounts. Right now, municipalities scheduled for sale through October come to about \$442-million, highest "visible" supply for a 30-day period since April. California's upcoming \$85-million issue accounts for 19% of this.

• **Treasurer's Job**—For many state treasurers, nursing along bond issues is just a part of the job of acting as watchmen over the state's purse. Their main function is to keep track of the state's money requirements, see to it that there's enough in the bank to pay the bills. Occasionally, a state treasurer will trek down to Wall Street to call on his underwriters. Mostly, he will confine his extra stops—if he makes any—to the rating services (Moody's, Standard & Poor's, Dun & Bradstreet), relying on them to keep the financial community apprised. Most municipal issues come to market with little more

fanfare than an ad in *The Bond Buyer*, the municipal bond man's "bible."

• **Dissatisfied**—Some of these veterans might regard Button's activities as a mite unsophisticated. Yet despite his lack of specific acquaintance with the handling of large bond issues, Button brought to the treasurer's office a long experience as a Los Angeles lawyer specializing in such things as corporate organization and financing. He was also director of a number of California corporations, and has extensive real estate holdings in the state.

Button had no real hand in the first bond sales after he took office—the January issues, handled by a syndicate headed by the Bank of America at an average net interest cost of 3.31%. But when he learned that there was only one bid for the issue, he was displeased. In his tiny Hotel Statler suite in Hartford last week, he recalled: "I didn't like the interest rate we got, and I was a little surprised that there was only one bid."

He has learned since there was a reason for the single bid, and is now in full agreement with the views of Alan K. Browne, vice-president in charge of the Bank of America's municipal bond department. Browne explains that because of the heavy volume and frequency of California issues coming to a tight market, one bid was the best way.

Competitive bidding, Browne explains, would tend to reduce the size and strength of the selling syndicate, making distribution of the issue more difficult, with a possible adverse effect on cost of future issues.

• **Promotion**—Though Button now agrees with this, it was his original dissatisfaction that led directly to his present road career. He began, however, from a different angle.

Taking stock of the January bond sale and the manner in which it was prepared, Button couldn't understand why municipalities and states didn't promote their bonds as corporations promote new securities issues. He says:

"Coming from the business world, I would have put together brochures and statistical material to help tell our story. I checked around with financial people to see what they thought about the idea of doing this with California bonds. I figured that if companies do it, why shouldn't states?"

The financial men seconded the idea, and Button prepared a brochure summarizing California's economic background, growth, industrial development, and financial situation. Helping him was 44-year-old Lloyd Lapham, a former United Press Washington correspondent, appointed in January to the newly created post of assistant treasurer.

Actually, Bank of America, which specializes in California municipals, nor-



DINNER at Hartford Club with bankers and insurance men is part of Button's job.

mally keeps key underwriters, investors, and rating services informed on the state's financial plans and activities. But Button's program would increase the flow of information and scatter it over a broader area. It would gain added impact because it would come directly from a top state official.

• **On the Road**—In March, a month ahead of the scheduled April bond sale, Button took to the road, accompanied by W. R. Currie, a financial analyst from the State Dept. of Finance. In advance of the trip, Button had sent out 2,500 copies of the brochure to leading underwriters, investors, financial analysts, and editors in the country's financial centers.

Button spent most of the time on that trip in New York. He lunched with some 50 members of underwriting firms, with a large group of investors representing banks, insurance companies, and other institutions, and with the financial press. Besides blazing these new trails for California he followed the path of other state treasurers to each of the leading rating services.

Says Button: "I was 100% impressed with the reception we received from these financial people. I was convinced I should continue the practice."

• **Touring Pattern**—It's not a practice for an officeholder in search of a sinecure. Take a typical day last week in Hartford. Button was up at 7, for breakfast with Asst. Treas. Lapham to go over the day's schedule. At 8:30 he checked mail and appointments. Then followed: at 9, a meeting of the National Assn. of State Auditors, Comptrollers & Treasurers; at 10, a private confab at the Phoenix Insurance Co., followed by a quick lunch, and a dash to a 2 p.m. meeting at the Hartford

Steam Boiler Inspection & Insurance Co.

At 3:45 p.m., Button was back at his hotel for a 20-minute phone conversation with his secretary at Sacramento, California's capital city. Then, at 4:20, came a panel discussion at the hotel; at 5:30, a meeting with F. Russell Abell, vice-president in charge of the investment division of the Connecticut Bank & Trust Co.'s trust department; at 5:50, a dinner at the Hartford Club with a dozen local bankers and insurance company officials.

This week, in New York, Button has a similar schedule, though with a bigger emphasis on meetings with investors and underwriters.

In his meetings, Button follows pretty much a prescribed pattern, first distributing his brochure to those who haven't seen it, and informally updating the information in it for those who have. He has dozens of facts at his

fingertips—employment in California is higher than the national average; its population will hit an estimated 15.9-million by 1960; the state's veterans' loan program is on a pay-as-you-go basis; the state has introduced tight checks to keep its money invested and drawing interest up to the last possible minute before counties, say, actually cash in the warrants sent to them for tax allocations and similar payments.

• **Personal Touch**—But the financial men on the receiving end of this flow of information are as much interested in the man himself as in what he has to say. As V.-P. Abell of Hartford's Connecticut Bank & Trust Co. explains: "More than almost anything else, we're interested in the quality and caliber of the man who has his hands on the state's pursestrings."

It's difficult to translate this personal touch into tangible dollars-and-cents results. Even the men on the receiving

end can't say for sure that it has an impact on the marketability of the state's bonds. But there seems to be a general agreement that whatever the effect, it's a positive one.

A top investment banker, a man active in Wall Street since 1918, says: "There's no question in my mind that there are many nuances that affect value. The kind of thing Button is doing can make a difference of one or two basis points when the time comes for us to decide just what the market will pay for California's bonds."

You can translate that difference into dollars and cents this way. A basis point is 1/100 of 1% of net interest cost. California's July issue of \$50-million bonds sold at a net interest cost to the state of 3.57%. Had it sold at just one basis point difference—at 3.58%—California would have had to pay out \$70,000 in additional interest over the life of the bonds.

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Phil S. Gibson
1963

Regional Oral History Office
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Berkeley, California

Governmental History Documentation Project
Goodwin Knight/Edmund Brown, Sr. Era

Phil S. Gibson

RECOLLECTIONS OF A CHIEF JUSTICE
OF THE CALIFORNIA SUPREME COURT

An Interview Conducted by
Gabrielle Morris
in 1977

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INTERVIEW HISTORY

The Regional Oral History Office sought to interview the Honorable Phil S. Gibson for the Knight-Brown Era Oral History Project with some trepidation, due to a layman's hesitation about imposing on the dignity of the state supreme court and because we had heard that he preferred not to be disturbed in his retirement. Although he pleaded ignorance of politics due to his years on the bench, Chief Justice Gibson was cordial in inviting the interviewer to his home to discuss general observations on his years in state service (1939-1964).

Age 88 at the time of the interview (May 12, 1977), Gibson was of medium height and build, white-haired, and well-tailored. Seated in his pleasant living room overlooking the Carmel Valley, he chatted a while to test the interviewer's questions and intent and then agreed to record some of his personal recollections of California governors from Frank Merriam to Jerry Brown.

What emerges is an informal portrait of a man who was appointed to what many feel is the number two spot in state government, director of Finance, after brief and almost casual acquaintance with Governor Culbert Olson, who shortly thereafter appointed him an associate justice and then chief justice of the state supreme court. With remarkable objectivity, Gibson skips over highly political events, mentioning instead lasting administrative reforms he introduced, based on his business and legal experience.

During the 1950s and 60s, Gibson's insistence on improvements in procedures for judicial qualifications review, assignment of judges, and getting cases through the courts are credited by knowledgeable observers with setting standards for the nation. They may, indeed, have provided guidelines later followed by fellow Californian Earl Warren as Chief Justice for the U.S. Supreme Court.

In the interview Gibson also refers briefly to the close working relationship between attorneys general and chief justices and acknowledges that upon occasion governors confer with a chief justice about judicial appointments. There must be many occasions on which those seeking to govern well would seek the benefit of the experience and wisdom of the state's highest court.

The interview concludes with useful brief summaries of governors Gibson has known. Although the fullest comments are on Culbert Olson and Pat Brown, there are also useful insights on Earl Warren and Goodwin Knight. It is hoped that at a later date Chief Justice Gibson will discuss some cases of importance that came before the supreme court in his day.

Gabrielle Morris
Interviewer-Editor

15 July 1977
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

FROM MISSOURI TO LOS ANGELES

[Interview: 12 May 1977]##

Morris: I was asking why you decided to come to California and how you got interested in government and public service.

Gibson: Do you want a little background?

Morris: Yes, please.

Gibson: I was born in Grant City, Missouri, a small town, 1,400 people in the northwestern part of the state near St. Joe. My father was a lawyer. He was born in Indiana, served in the Union army in the Civil War, came to Missouri from Indiana, had a small newspaper. He had a good education. He was educated in Indiana. He had six daughters by his first wife. She died. He married my mother while some of those girls in his first family were still in the house. My mother brought up some of them and then she had five children, three boys and two girls.

Morris: Was your mother also a Missouri girl born and raised?

Gibson: Well, she was born in Missouri, but her childhood after the Civil War was spent in Mississippi. She came back to Missouri. She had little education, very little. She educated herself. My father was supposed to be a rather prominent man in that area; I think she was smarter than he was.

Morris: How did she go about educating herself?

Gibson: Reading.

Morris: Would she help him with the newspaper at all?

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 27.

Gibson: No, he didn't have the newspaper then. I think he owned part of it, but he never had anything to do with it. He had a farm and the law office--quite successful. His three boys all graduated from the University of Missouri, myself and my two brothers.

Morris: Were you the oldest?

Gibson: No. The oldest became a lawyer and a very successful one. My younger brother, Blaine, studied journalism, became a newspaperman. He was the editor of the Pasadena paper when he died. He died quite young of Hodgkins disease. He died in his early 30s. Our son, Blaine, now 20, who is a student at the University of Bordeaux, is named after my brother.

Morris: He accomplished a lot in that short time.

Gibson: Yes, he did, a great deal. I graduated from the University of Missouri in 1914. I went to my home town and ran for prosecuting attorney, and was elected.

Morris: Before you'd been to law school?

Gibson: No, just after I graduated from law school. Then the war came. I went to the first officer's training camp and was kicked out because I couldn't pass the physical examination. I enlisted in the National Guard in Kansas City, the same outfit as Harry Truman.

Morris: I was thinking about that driving down. It really was the same unit?

Gibson: Yes.

Morris: That's marvelous.

Gibson: Except he was in the artillery and I was in the infantry. I saw very little of him. Of course, I was soon commissioned and sent to France. I served for a time with the British, and then was returned to my old outfit.

It was the old 35th Division that Truman was in; but I didn't see much of him. Saw him a time or two. One of my schoolmates at the University of Missouri was Bennett Clark, the son of Champ Clark--who had a great deal to do with Harry Truman's political career. Another one was Tuck Milligan, Jacob Milligan nicknamed Tuck, who also had a great deal to do with Truman's political career. Both of them served in France in the 35th Division; Milligan was a Congressman and ran against Truman in the Democratic primary nomination for Senator. Truman beat him. Clark was then a Senator.

Morris: Yes, and early in the century hadn't he been a candidate for the Democratic presidential nomination?

Gibson: His father had, Champ.

Morris: Champ was who I was thinking of.

Gibson: Champ Clark ran against Wilson. Bryan helped Wilson at a critical point or Champ Clark would have probably been nominated. Charles Evans Hughes won the Republican nomination, but he was defeated because he didn't carry California. He didn't carry California because Hiram Johnson didn't give him the support that he should have. Wilson was elected.

You were asking me about how I got to California. After the war I went to school in England. I hadn't been discharged. I went to the Inns of Court, which is a great law school; I was still in uniform. When I was discharged I came back to this country. I was physically not able to practice law so I got a homestead in Wyoming. I lived for two years on the Wyoming homestead.

Morris: That must have been pretty rugged.

Gibson: Well, not too much so. There were lots of us, mostly soldiers with tuberculosis. It wasn't rugged, no. Not too much so.

Morris: Had you picked up tuberculosis serving overseas?

Gibson: Probably. When I was sufficiently recovered to work again, my brother who was editor of a paper in Los Angeles County, my younger brother, urged me to come to Los Angeles and that's how I got to California. I was admitted to practice in California and started practicing in February 1923, as I remember it.

Morris: How complicated was it to be admitted to the bar in California?

Gibson: Not then. Not with my background.

Morris: I would think that was pretty distinguished.

Gibson: With the army service and everything, we got a break. I passed a sort of formal examination. It didn't amount to much.

Morris: Was there a set time of year at which everybody who wanted to be admitted took the exam?

Gibson: I don't think so for a person who had been admitted to practice in another state. I started practicing in Los Angeles. Those were boom days in Los Angeles.

Morris: Was there a shortage of lawyers?

Gibson: Well, Los Angeles was booming. I don't know if there was a shortage of lawyers, but the city was growing very fast, the moving pictures were in their prime, and very soon I was representing people in the moving picture business.

Morris: That must have been interesting.

Gibson: I lived in Beverly Hills and knew many of those interesting people. My wife and I didn't go out socially. She wasn't real well and I didn't want too many social contacts. Of course, it doesn't always help to know all your business contacts socially.

Morris: It does not help?

Gibson: Sometimes it's better not to. I did not represent many of the actors. I represented the companies.

Morris: In corporate law?

Gibson: Yes, mostly.

Morris: The business end of things.

Gibson: Yes.

GOVERNOR CULBERT OLSON'S ELECTION AND ADMINISTRATION

Gibson: I met Olson in the early 30s and I liked him. I found him a very fine person to work with, a very able man. I liked his record in the senate, the state senate.

When he decided to run for governor, for the nomination, there were several very important men seeking the nomination: O'Connor, who afterwards became a federal judge, a great friend of Roosevelt's, wanted the nomination, and two or three other prominent men. I thought Olson was the best candidate. At that time I was not a registered Democrat. I think at that time I probably was registered declined to state. I had run on the Republican ticket when I was elected prosecuting attorney in Missouri, but I hadn't taken any active part in politics in California.

I made a contribution to Olson's campaign. He found out about my contribution and he called me and asked me to meet with some people in his office. I told him, "They promised me that I wouldn't be bothered if I made this contribution," and he said, "Well, just this once." So I went over. The question was whether he should address

Gibson: a group in Pasadena that was pretty far to the left. I said, "Hell, they're your friends, aren't they?" He said, "Yes." I said, "Well, stay with them." Some of the people there were advising against it.

But anyhow he asked me if he could walk back to the office with me. He said, "I'm looking for a headquarters, and I know you represent several of the buildings downtown. Would you find me a place for a headquarters?"

I said, "It will cost you too much money. You can't afford the rents downtown." I went back up to my office and I thought about the basement of the Loew's State Building. It had been occupied by a cafeteria, a very successful one. These were pretty hard times and it had gone broke and the place was empty. A lovely place at the corner of Seventh and Broadway. I called Loew's real estate man in New York.

He said, "Hell, yes. Rent it to him. Louis Mayer will have fits." Louis Mayer was then president of the Metro-Goldwyn-Mayer and a great Republican and very active in support of the Republican candidates.

Morris: Did you work out a rental that the Olson campaign could afford to pay?

Gibson: Sure, sure. The cafeteria room had been empty for quite some time. Olson's headquarters attracted a lot of people there and that was business for the building.

Morris: So did you continue to sit in on these discussions?

Gibson: No. I had very little connection with the campaign after that. Then after Olson was nominated, I attended a couple of meetings with just a few people from the moving picture industry that were supporting Olson.

Morris: Who would that have been?

Gibson: Well, Joe Skenk was one of his leading supporters.

Morris: On your recommendation?

Gibson: No, I think Joe always acted on his own; a pretty able fellow, you know.

Morris: Yes, to start a motion picture business and keep it going.

Gibson: Joe's brother, Nicholas M. Skenk, was one of the most powerful men in the moving picture business.

Morris: Did you and Mr. Olson talk about his ideas about government at all?

Gibson: No. I didn't discuss those things with him. He had ideas of his own and frankly I wasn't in politics. He asked me to dinner at his house just a few days after he was elected. He asked me if I would go to Sacramento with him to help him with his budget. In those days, and it's still to a certain extent true, a governor has to find out something about what he's going to do when he gets into office as far as his first year's budget is concerned.

Morris: Because the budget is presented right after he's sworn in?

Gibson: That's right. So I went to Sacramento with him. Went with him and helped him with his budget. When that was done, I went back to my office in Los Angeles. Nothing was said about any political appointment at all. I wasn't looking for one.

DIRECTOR OF THE STATE DEPARTMENT OF FINANCE, 1938-1939

Gibson: A few days after I got back, he called me and asked me if I would like to be director of Finance. I said, "I don't know that I'm qualified. I don't know anything about state politics." At that time I thought he was going to appoint Dewey Anderson. Did you ever hear of Dewey?

Morris: I have.

Gibson: Read his book?

Morris: Burke's book. I haven't read Anderson's book, but a man named Burke has written a book called Olson's New Deal in California. It was a doctoral thesis. He mentions that Dewey Anderson was the person that was expected to be director of Finance. Dewey Anderson also wrote a book?

Gibson: Oh, yes. He died just a short time ago.

Morris: Just a year or so ago, yes.

Gibson: Dewey had a lot of ability but he did not always have good judgment in political matters.

Morris: I understand that he did help Governor Olson develop position papers on social issues and that kind of stuff.

Gibson: Oh, I'm sure of that, yes. He wanted to be director of Finance. Olson may have let him think he'd get it. So when I was appointed, Dewey was very upset. The governor gave Dewey the job of handling all of the relief set-up in the state; what did they call it then?

Morris: They called it the State Relief Administration.

Gibson: SRA?

Morris: Right.

Gibson: While working at that Dewey got in trouble with the communists, who were trying to run the Olson administration and were not succeeding.

Morris: Was it that communists got to Mr. Anderson or that there were just some who got hired?

Gibson: There were some that were hired in that relief set-up that caused Anderson and the governor a lot of trouble. I don't know exactly the basis of the Anderson-Olson split. I don't know what was at the bottom of their differences. I got along with Dewey very well when I was director of Finance, even though he thought he should have had the job instead of me. I expect he was right.

Morris: The Relief Administration was a knottier problem than the Department of Finance at that time, am I right?

Gibson: From a public standpoint. Of course, at that time the director of Finance next to the governor was the most powerful position in the state. At that time it had responsibilities that are now encompassed in a half a dozen departments. It was a very powerful position.

Morris: Were those things that later became separate departments already too unwieldy?

Gibson: Oh, I think some of them were.

Morris: So what you're saying is that your appointment as director of Finance was announced before Dewey Anderson's job as head of the SRA? You were the first appointment announced?

Gibson: I expect that I was. I don't remember, but I think that my appointment was announced before Dewey's. I know Dewey thought he was going to get it. He was rather upset about it, but I told him that I wasn't going to be around there very long and that he would probably step into my shoes when I left. I had told the governor I could not stay in the job more than six months.

Morris: I see. How come?

Gibson: I wanted to get back to my law practice. I didn't like being away from my wife, who stayed in Beverly Hills, and I didn't really want the job.

Morris: Then why did you say yes?

Gibson: Well, I was weak, I guess. Olson had a way of convincing his friends. I thought I might learn something, too. Some people said that I took the job because I wanted a judicial appointment--that's not true. Dewey Anderson has that in his book. I was not looking for a judicial appointment. If there hadn't been a couple of deaths on the supreme court right at that time, I probably never would have gotten one.

Morris: What kinds of things did you think as a practicing attorney that you might learn in running the Department of Finance?

Gibson: Business experience on a large scale.

Morris: How much is there that the director has to know of actual financial things?

Gibson: Of course, I'd had quite a bit of experience with the business side of law practice. After all, I couldn't work with the people high in the motion picture business at that time without knowing something about business. I quit trial work entirely in my last years of practice. I refused to take any trial cases. Business law occupied all my time.

Morris: How much of the actual detail work of the Department of Finance was handled by the career civil servants?

Gibson: We had splendid people there. I could not have done the job without their help. They were able and loyal.

The director of Finance handled certain investments, and when I first went in as director of Finance, half the people outside waiting to see me were bond salesmen. I called up the University of California and I asked for the man in charge of their investments, if I could get a man to take over this work. They gave me the name of a fellow, and so, working with the Personnel Board, the Governor, and the Legislature, I set up the job.

Morris: A separate person to handle the investments?

Gibson: Yes.

Morris: That's interesting. And you got him from the University?

Gibson: I've forgotten his name. He was recommended by the people handling the investments for the University and we got that job out of politics entirely.

Morris: That sounds like you'd need a real professional in that job.

Gibson: Yes, I wasn't qualified to do it and probably none of my predecessors were qualified to do it.

Morris: The business of investment of state funds, this is always a tricky one, isn't it?

Gibson: Well, you have to know something about the business. I didn't and I didn't want to be bothered with the horde of people pressing all the time. There were millions of dollars there to be invested. Those were pretty lean years. They were all hungry for business.

Morris: When you were working with Mr. Olson on that first budget after he was elected governor, was it a surprise that there was more of a deficit than was expected?

Gibson: Oh, I don't know. I really don't remember much about it.

Morris: I was thinking of your comment about "Those were lean years."

Gibson: Yes, they were.

[Tape off while Mrs. Gibson comes in briefly.]

Morris: You were saying "Those were lean years" in the economy when you and Olson went to Sacramento.

Gibson: Sure. You had the great Depression in the 30s. In the last years of the 30s and early 40s things were pretty tough. The war came in the early 40s and it changed the whole picture.

Morris: One of the things that Mr. Olson had the most trouble with was getting the legislature to approve money for that State Relief Administration, wasn't it?

Gibson: Yes, he had trouble with the legislature on nearly every thing because they didn't like Olson and the things that Olson was proposing in California. All of them have since become part of our government, but Olson was far ahead of his time, way ahead of his time.

Morris: But they had liked him when he was a state senator, hadn't they?

Gibson: Not all of them. [Chuckles.] Just one group liked him; the liberals liked him. I don't think the big oil companies or big business liked

Gibson: Olson much. For that matter, they didn't like Warren towards the end of his administration.

About a month before he left, Governor Warren told me that he was sick of them. He said they interfered with almost everything that he was trying to do for the people. Warren was getting more liberal; he was changing before he left as governor.

Morris: Do you think that being governor has that effect on a person?

Gibson: I think most governors want to do a good job for the people. Warren gradually became more liberal during his administration, very much so in the last two years of his administration. Of course, he carried it on as Chief Justice. Eisenhower told me once that the biggest mistake he ever made was his appointment of Warren as Chief Justice, and I understand he told other people that same thing. I think Warren was a good governor. He made very good judicial appointments. He did a good job in administration. But I thought you wanted to talk to me about Goody Knight.

Morris: We do, but since we don't often get a chance to talk to somebody who's worked with so many governors, we thought we would pick up on the earlier ones, too.

Gibson: I worked very closely with Olson and with Warren. I never worked so closely with Knight, although I knew Knight very well. We never were very close after he became governor.

Morris: Why would you think that is?

Gibson: I don't know why.

CALIFORNIA SUPREME COURT: APPOINTMENT AND FELLOW JUSTICES

Morris: Would you say that you generally were considered liberal in your outlook on life and the tone of your decisions?

Gibson: Oh, I think so, yes. I suppose so. I became an associate justice on the court in '39. I became chief justice in '40. Roger Traynor took my place as the associate justice. Three of us at that time were Olson's appointments--Carter, Traynor, and Gibson. Carter had been a state senator and was an exceptionally able lawyer, one of the best trial lawyers in the state. He had had no judicial experience. Neither had Traynor, nor I. When I went on the court, Waste was chief justice. I succeeded him within a year, seven months I think I had been on the court. Justice John Shenk was the senior associate justice. He was conservative but he thought he was a liberal.

Morris: He thought he was a liberal?

Gibson: In his own mind, and I expect he was at one time a liberal Republican. [Jesse] Carter, who had been a superior court judge and on the court of appeals, came from a very conservative area. He was a very fine looking man; he looked like a judge. [Fred] Houser was one of the ablest lawyers I think that ever sat on our court. Nobody gives him much credit, but he was an exceptionally able man. He suffered terribly from migraine headaches. It was a big handicap. I could sympathize with him because that was my first wife's big problem. [Douglas] Edmonds was very ambitious, but very intelligent. Sometimes he went with Carter, Traynor, and Gibson in labor cases. It was a good court. Warren only had one appointment on the supreme court--Justice Homer Spence. Olson had four--let's see, Gibson, Traynor, Carter, and Schauer. He had four appointments on the supreme court and he was governor for only four years. Warren was governor over eight years and only had one appointment and that was Spence.

Morris: Schauer was appointed by Olson before he finished his term?

Gibson: Yes.

Morris: That's interesting. Goodwin Knight had only one appointment, too, I believe: Marshall McComb.

Gibson: Yes. Goody had promised that place to Tom White. Afterwards he gave the appointment to McComb. He called me--my wife had died and I had left Piedmont and was living in San Francisco when Knight called me. He said, "You're a friend of Marshall McComb's, aren't you?" I said, "Yes, I've known Marshall since 1926 or '27."

He said, "I would like to appoint him justice of the supreme court." And I said, "Well, Goody, you told me you promised it to Tom White."

He said, "Well, Tom will wait." Goody was very political. McComb, of course, as you know from recent publicity, is very rich.

Morris: I knew there was a debate about who was going to control his assets. I thought that probably meant they were sizable.

Gibson: Well, Marshall McComb is a wealthy man. He and Schauer went on the superior court at the same time in Los Angeles. At the same time [1927] Spence was put on the superior court in Oakland, Alameda County, by Governor Young. At the same time he appointed a judge who afterwards became quite famous, [Leon R.] Yankwich.

Yankwich served on the United States District Court in Los Angeles. I knew all these people. We were all about of the same age and all, except Spence, all of us Los Angeles people. They were appointed by

- Gibson: Governor Young; he was one of the best governors this state ever had. He never gets much credit, but he was a fine governor.
- Morris: He was from Berkeley, wasn't he?
- Gibson: Yes.
- Morris: A high school teacher. He taught civics and government. I've always thought he sounded like a very interesting man.
- Gibson: He was a good governor, excellent.
- Morris: You think he was ahead of his time?
- Gibson: Yes, but he lacked the ability to communicate, to tell his story to people. But he did a fine job as governor.
- Morris: Young seems to have had some fairly advanced ideas on administration and efficiency and accounting.
- Gibson: He did, he did. Any man in the office of director of Finance who looks back over prior administrations can immediately see the fine job that was done when Young was governor.
- Morris: Was Fred Links already in that office when you were?
- Gibson: Is he still in there?
- Morris: No, I'm sorry to say he died a couple years ago. But I talked to him a year or so before that.
- Gibson: He certainly helped me. I'm sorry to hear he has died. I hadn't got a Christmas card from him for a couple of years and I wondered about Fred. He was a great help to me when I was director of Finance. He was my right-hand man. He was one of the ablest men who ever served in the civil service in this state, one of the most knowledgeable. We were very close, remained very close for a number of years. Then I sort of lost track of him. I wondered because I hadn't heard from him.

I asked Paul Peek about him not long ago, and he said, "I think he died." He wasn't very strong physically towards the end.

- Morris: He seemed to continue to enjoy life tremendously. In working with Governor Olson on setting up the budget, would you also have given him a hand finding other people to take appointments in the other departments?

- Gibson: No. I never had much to do with the governor's selection of people in the administration outside the judiciary. Olson conferred with me on almost all his judicial appointments. He didn't always follow my suggestions, but he always conferred with me.
- Morris: You said you were surprised that two people died on the supreme court so soon after Olson became governor?
- Gibson: Yes, that was unusual.
- Morris: When did you get an idea that Governor Olson was considering appointing you?
- Gibson: To the court?
- Morris: To the court, yes.
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- Gibson: Well, I also ran the finances of the exposition on Treasure Island, representing the state. I was there on one occasion with Governor Olson and I rode back to San Francisco with him. In the car he turned to me and said, "I'm going to put you on the supreme court."
- Morris: And what was your reaction?
- Gibson: I was very much surprised. I knew there was a vacancy, of course. He had talked to me when he appointed Carter just a few months before, a short time--six weeks before, following the death of another member of the supreme court. But this came as a complete surprise to me. A lot of people think it was all set. It wasn't at all. I told him just about ten days before that that I had to get back to my office in Los Angeles. He was looking around for somebody to succeed me as director of Finance. I had recommended George Killion. You know George.
- Morris: Yes, I do know George.
- Gibson: He didn't appoint George first. He appointed him afterwards. George was not my immediate successor. A fellow from Pasadena whose name I've forgotten.
- Morris: There was a man named [John R.] Richards in there for a while.
- Gibson: Yes, Richards, from Pasadena. I didn't know Richards. I was surprised that he was appointed. That was how Olson broke the news to me when he appointed me.

Gibson: Then when Waste died, the court was in Los Angeles holding a session. I can't be certain about dates, but I think we got word of his death on Thursday while the court was sitting in Los Angeles. Waste was, we knew, quite sick and did not attend the session in Los Angeles. He was in his home in Berkeley. We adjourned the session when he died. All of the judges immediately went back to San Francisco. The funeral, as I remember it, was set for Saturday. My wife was with me in Los Angeles. She wasn't very well, so I stayed with her.

We were living at the old Biltmore Hotel downtown in Los Angeles. On Friday the governor was in Petaluma. He had gone up there to make a speech. He called me at the hotel. I was paged by a little fellow who had worked at the old Biltmore for years. He found me at the bar. I was having a drink. He told me the governor wanted to speak to me.

The governor said, "I'm going to appoint you chief justice." He said, "There's a crowd of newspapermen here and they are going to press me to tell them who the new chief justice will be." He said, "I am going to announce it."

I said, "Oh, please don't, Governor, not until after the funeral. The funeral will be on Saturday." He said, "All right."

Morris: Did he like to make a big splashy announcement?

Gibson: No, he liked to get things behind him, make appointments quick.

Morris: Get things done.

Gibson: No, he was not flashy. Olson was anything but flashy. Not nearly as flashy as Warren or Knight or Brown. Not at all as flashy. When I got on the Lark that night, Friday night, to come back to San Francisco for the funeral, which was to be held in Oakland, I was sitting in the club car of the old Lark.

Morris: Yes, the only way to travel.

Gibson: That was great in those days. They had a radio on in the corner of the car. A blast came over the radio, governor's announcement that he'd appointed Gibson chief justice. An elderly-looking gentleman sitting in the corner of the car reading his newspaper wrinkled it up and threw it on the floor in absolute disgust. The fellow sitting next to me said--I didn't know that he had recognized me; I didn't recognize him--he said, "That fellow didn't like it, did he? Mr. Chief Justice, I'm going to buy you a drink." It was a little embarrassing.

Morris: Had you ever thought about possibly becoming a judge?

Gibson: Oh, yes, I'd thought about it. I don't think that I would have been interested in becoming at that time a trial judge. I was doing very well in the law practice right at that time.

Morris: And you liked the business law?

Gibson: And I liked it, yes. I was doing very well. But almost any lawyer would like to be on the state supreme court. There are very few lawyers that wouldn't like that. And to be chief justice is, of course, a very powerful position; more powerful than it is now, it was a very powerful position.

JUDICIAL REFORMS

Gibson: The chief justice at that time appointed all the members of the Judicial Council. Now the chief justice appoints only the judicial members. I was partly responsible for that. I began to work to broaden the base of the Judicial Council to include members of the state bar and members of the legislature, because the Judicial Council should be the advocate of judicial reform.

While I was chief justice we reorganized courts in the state, which is probably the most important reform in that field that had ever been accomplished. We also created the Commission on Judicial Qualifications, which is now called the Commission on Judicial Performance. I made my first speech advocating that in Los Angeles.

Then the same year or the next year I talked to the state bar here in Monterey, the state bar and the Conference of California Judges. The proposal was well received by the state bar, but not by some of the judges. We'd had some tragic situations in the state. Judges that were not doing their job, because of illness, incapacity, and some because of laziness.

It proved to be a very important reform. People don't know much about it. Until this McComb case, they didn't know hardly anything about it. Most of its effect is never known by the public--a judge gets in trouble and he is notified of the complaint.

Morris: Something's done about it before there's an issue?

Gibson: Yes, before any action is taken.

Morris: If there is a commission that's looking into the qualifications of judges, what does that do to the governor's role in making appointments?

Gibson: Well, there isn't any commission looking into the qualifications of superior or municipal judges before appointment. The Commission on Judicial Performance looks into the conduct of a judge, complaints that are made against judges. I'll give you an example that occurred before this commission was created, just one of a hundred examples that I could tell you about.

A very able young superior court judge in the northern part of the state was mixed up and he would go off on sprees and we wouldn't know where he was for a couple of weeks. There was a murder committed in the county and he could not be found. I assigned a judge from an adjoining county to take over. (This was during the Warren administration, the last years, as I remember, of his administration.) I asked the judge to meet me in Sacramento. We went in to see Governor Warren, and following the meeting he resigned. He died a few years after he resigned.

We had many such situations where judges, by reason of illness, could not perform their duties. We got better retirement laws. Part of this happened in the Warren administration, some of it in the Knight administration, and some of the best of it in Brown's administration. That's the thing that the Judicial Council should do, under the leadership of the chief justice. I think the present chief justice, Rose Bird, is going to do an outstanding job in that field because she has the administrative ability.

LATER APPOINTMENTS TO THE SUPREME COURT

Morris: In that case, there were people commenting about her qualifications before she was appointed. Is the commission just for the supreme court?

Gibson: No. The commission also passes on all appointments by the governor to the courts of appeal. The commission consists of the chief justice, the attorney general, and, if the appointment is to the supreme court, then the senior justice of the court of appeals. If the appointment is to the district court of appeals, the third member is the senior justice from the district. In Bird's case, it was the attorney general and the senior court of appeals justice, Parker Wood. I testified for her.

Morris: I noticed that. What was it particularly about that appointment that made you decide to speak up?

Gibson: Well, I thought she had the ability, a fine record in school, a fine record as the deputy in defending people charged with criminal offenses. She'd had a fine record and she is very intelligent. The fact that

Gibson: she'd had no judicial experience I didn't think disqualified her. After all, I had had none when I went on the court. Carter had none; Traynor, who I think one of the ablest men that ever sat on the court, had none.

Morris: That question is raised quite frequently. They said the same thing about Earl Warren when he was appointed to the U.S. Supreme Court.

Gibson: This was also true of others, including Douglas and Frankfurter.

Morris: Was there anything in your testimony for Bird, were you concerned that there should be more women on the court?

Gibson: No. I was testifying as to her qualifications. I had assigned Annette Adams to sit on the supreme court and later I assigned Mildred Lillie to sit on the supreme court.

Morris: Because you thought it was a good thing for more women to have judicial experience?

Gibson: Well, no, because I thought they were qualified. They were judges on the courts of appeal and we needed help on the supreme court. I thought they were well qualified to do the job. I didn't want to discriminate against them because they were women. I think my wife is qualified to sit on any court in the state.

Morris: Your present wife is an attorney?

Gibson: And a damn smart one.

Morris: Good. That's very advanced thinking.

Gibson: Oh, I don't think so. I think my mother was smarter than my father and she'd never gone to college, never gone to high school.

Morris: While raising all those children.

Gibson: Yes, one family and part of another.

Morris: How about your own appointment--did you feel there'd be a controversy over whether or not you should be appointed?

Gibson: I never thought of it. I don't think there was any opposition to my appointment.

Morris: Aside from the guy at the other end of the club car?

Gibson: [Laughter.] He didn't like it. He may have thought that the appointment should have gone to Justice Shenk. I had recommended to the governor that he appoint Shenk chief justice.

Morris: When you knew Mr. Waste was dying?

Gibson: Well, we knew for two months that he'd never come back to the court. At that time the retirement laws were not nearly as good as they are today. Waste had heavy financial responsibilities and he'd been sick a long time. We knew that he wouldn't last too long.

Shenk was the senior member of the court. He was able. He was popular among the lawyers and judges. He and the governor had attended the University of Michigan and they were good friends. I thought the governor would appoint Shenk chief justice. He may have thought Shenk was too old.

Morris: So he was thinking that people on the court should stay there a long time when he appointed them?

Gibson: Well, he hoped they would, I suppose.

Morris: Do governors generally look for somebody who shares their philosophies?

Gibson: Yes, I think so. But they make some mistakes.

Morris: That's in the nature of human events, isn't it?

Gibson: I suppose. That's what Eisenhower claims he did. He said the biggest mistake he ever made was to appoint Warren.

Morris: Do governors in general consult with the present members of the supreme court when they're considering an appointment?

Gibson: Well, I don't think that our present governor [Edmund G. (Jerry) Brown, Jr.] consulted with anybody on the court except probably one member. He probably consulted with Justice Tobriner. The governor was [Matthew] Tobriner's research assistant. Tobriner is one of the ablest men ever to sit on a court. I thought he should appoint Tobriner and, when he retired, appoint [Stanley] Mosk.

Mosk has the experience. After all, he had four years in Governor Olson's office, served with distinction as a superior court judge, sitting frequently by assignment on the court of appeals, and was elected attorney general by the largest majority any man had ever received for that office. Mosk is doing an outstanding job on the supreme court. He was a natural. Mosk is a top administrator as well as a good lawyer. Tobriner, of course, has written some of the finest opinions on the court. He was very close to young Brown, since the governor had worked for him as a research attorney.

Morris: When he was just out of law school?

Gibson: Yes.

Morris: I had forgotten that.

Gibson: So that's what I expected. I didn't know Rose Bird. I think she's going to make a great chief justice.

Morris: Were you asked to go and speak for her at her confirmation hearings?

Gibson: Yes.

1958 ELECTION SPECULATIONS

Morris: I'm interested in Mosk and the other people like Goodwin Knight who leave the bench to run for office.

Gibson: Well, I don't remember whether Knight ran for lieutenant governor while he was still a superior court judge. He may have finished his term as superior court judge when he ran for lieutenant governor. Mosk was still a judge when he ran for attorney general. But he took a leave of absence as I remember it.

Morris: I understand that Mr. Knight liked being on the bench. Normally a judge is pretty sure of being confirmed for another term.

Gibson: Knight was very ambitious politically, I think one of the most ambitious men I've ever known politically. There's nothing wrong with that. But you know he wanted to run against Warren for the Republican nomination, for Warren's third term.

Morris: In 1950?

Gibson: He tried to get support.

Morris: By 1950 there was a fair amount of opposition building up to Governor Warren.

Gibson: Yes, there was.

Morris: But not enough to deny him the nomination?

Gibson: Oh, no. Knight would have been elected governor easily if he had run for governor again. It is possible that Pat Brown wouldn't have run against him. You know what happened then?

Morris: That's the 1958 race when Knight ran for the Senate and Knowland ran for governor?

Gibson: You know what happened.

Morris: I always wondered why it happened.

Gibson: Oh, you live around Berkeley and Alameda County. You must know the picture.

Morris: Well, one of the theories is that Mr. Knowland wanted to run for president eventually.

Gibson: That's not a theory; it's fact.

Morris: And why would it be easier to run for president as a governor than as a senator?

Gibson: Well, he had been a senator, very successful. He felt if he could be governor of California he would have recognition as a chief executive of a large state and that would help him to get the Republican nomination for president. Many important Democrats didn't think Brown should run against Knight for governor.

Morris: Because Knight had such control?

Gibson: Knight was popular. You might ask Pat. He is still around.

Morris: We plan to ask him. But what we wanted to ask you was if he'd asked your advice on the merits of this campaign.

Gibson: No. He was attorney general then. I was chief justice. It wouldn't be likely that he'd ask me. I had breakfast with Knight, I think either the day after or two days after he'd gotten the word that he wouldn't get the financial support to run for governor. Knight was brokenhearted. He didn't want to run for the Senate. It was rumored that three newspapers, the Chronicle, Los Angeles Times, and the Oakland Tribune, wanted Knowland. I had breakfast with Knight either the next morning or two mornings after they told him that they wouldn't give him the finances. You know Ed Pauley?

Morris: He's on our list of people we hope to interview.

Gibson: He could tell you the whole story if he would.

Morris: Well, if he won't tell us maybe he'll write a memoir.

Gibson: I doubt if you could get Ed to write anything. He might tell you. I haven't talked to him for a long time. We're old friends, but I don't know whether Ed would talk. I haven't seen him for several years.

- Morris: Yes, he was right in the middle of things at that point.
- Morris: Do you think Mr. Pauley would tell us about the 1958 election?
- Gibson: He might--I think Pat Brown would tell you. Pat's a pretty frank fellow, but he would not want to say anything that would hurt his son.
- Morris: That's almost unique, isn't it, to have a father and a son be in the same kind of a job at the political level?
- Gibson: Well, I think I've told you about everything I know to tell you.

OBSERVATIONS ON PAT BROWN AND OTHER GOVERNORS

- Morris: Let me take a quick look at my list. Yes, I have another question. Pat Brown feels that you were a great help to him in advice and example.
- Gibson: Pat's always given me a hell of a lot more credit than I'm entitled to.
- Morris: Why?
- Gibson: I don't know why.
- Morris: You don't like being a mentor for the next generation and sharing your advice and experience?
- Gibson: Oh, no. I wrote several opinions that he liked very much*, but that was just the law as I saw it. Pat advised with me on judicial appointments, on most judicial appointments he made. He didn't always agree with me. He didn't always accept my recommendations, but he always

*In a phone conversation on 5 October 1977, Chief Justice Gibson recalled a few of the cases on which he wrote opinions that Pat Brown liked.

One concerned Japanese-American land ownership, an uncomfortable issue during and after World War II. At the time, ownership of land by aliens was prohibited under the California constitution. Gibson wrote the opinion saying that this position was unconstitutional. The United States Supreme Court declined to take the case on two occasions, and the state constitution was later changed to comply with his decision. Several cases concerning discrimination against

Gibson: asked me about the people he was appointing. I talked to him quite frankly and honestly. Of course, I'd worked with Pat when he was attorney general. I was chief justice when he was attorney general. We sat together on the Commission on Judicial Appointments.

The chief justice has a lot to do with the work of an attorney general. Or I did. You see, this is one thing I think I said in my testimony for Rose Bird: our constitution states specifically that the attorney general is the attorney for the people of California. He has all the civil and criminal cases on appeal and many of the civil cases in the trial courts.

Say there is a case involving the people of California in a trial court and it is difficult to get an early hearing because the calendar is congested. It's important to get that case finally decided so the government can function. When I was chief justice, I assigned judges to assist courts in which those cases were pending so they could be heard promptly. The chief justice can do that. He can assign judges from one court to another all over the state. One of

*(cont.) Japanese-American fishermen also came to the Gibson court. Traynor, Carter, and Gibson wrote the dissenting opinion that discrimination was being practiced against the fishermen; their minority opinion was supported by the U.S. Supreme Court.

Asked about the Chessman case, one of the more controversial during the Pat Brown administration, Gibson commented that the state supreme court passed on it three times. He joined with the majority in holding Chessman guilty as charged. When the governor sought to commute Chessman's sentence from execution to life imprisonment, Gibson was among the minority voting to uphold the governor. Citing a recent opinion by Justice Stanley Mosk, Gibson noted that under present law Chessman would not be guilty of a first degree crime and thus not subject to execution.

The most important case he wrote he feels held that unions could not discriminate against black people. During World War II, ship-building companies needing more help recruited black people, but the AFL union in the case in question would not give these new workers full membership. The case received national publicity at the time and Justice Gibson's opinion holding the union discriminatory was a first in the country. He indicated that the issues involved had similarities to those in the 1977 Bakke case concerning "reverse discrimination."

Other civil rights cases of interest were those from the University of California concerning faculty fired from their positions for non-signing of a loyalty oath required in 1949. Gibson wrote the opinions holding this oath unconstitutional.

Gibson: the principal powers of the chief justice is the assignment of judges. He assigns them from the municipal court to the superior court or to some other municipal court. California is one of the few states in the country where the courts are in session the year round. The supreme court of California takes no extended leave like the Supreme Court of the United States. There are four men there all the time. And if they need help the chief justice, or acting chief justice, can assign judges to help them.

I worked very closely with Pat Brown when he was attorney general and when he was governor in legislation affecting the courts and in judicial appointments. So I know he says very complimentary things. His son called me not long ago and said, "My father says you were the strong man in his administration."

And I said, "Well, your father had many strong men in his administration. He just likes me personally." He has always said nice things about me. I know--they come back to me; but I don't know that I was any more important in state government during his administration than I was during the administrations of Olson, Warren, and Knight, although I got along better with Olson, Warren, and Brown than I did with Knight.

Morris: That's interesting. Why do you suppose?

Gibson: We were good, personal friends. But Knight didn't consult with me as much as Olson and Warren and Brown. He opposed me several times in judicial reforms because he thought he was on the popular side. Knight was a very ambitious man politically.

Morris: In terms of staying in office in California, or did he have any thought of going on?

Gibson: Oh, he wanted to be president. You know that if you followed his career.

Morris: No, I didn't know that.

Gibson: Oh, yes.

Morris: He wanted to be president, too.

Gibson: Yes. If he had been re-elected governor, he would have had a chance. They pushed him off to run for the Senate so Bill Knowland could run for governor, and then Knowland came out for the right-to-work law. That's one of the things that defeated him.

- Morris: Did the right-to-work law ever go to your court?
- Gibson: No, because it was not the law in this state. It is in a number of states.
- Morris: That's interesting. The right-to-work bill was defeated and so was Knowland who was plugging it.
- Gibson: Sponsoring it, yes.
- Morris: How could you explain that?
- Gibson: Of course, the unions fought it very strenuously, you know.
- Morris: To defeat both of them?
- Gibson: Oh, yes. They fought Knowland and they fought, of course, his advocacy of right-to-work. There may be a growing spirit in the country now in favor of right-to-work laws. I think part of it comes from the fact that unions have become somewhat unpopular because of strikes of public service employees--police, firemen, and teachers.
- Morris: Would the fact that there are large numbers of people out of work have an effect, too? If people really need a job, they aren't so concerned about whether or not there's a union shop?
- Gibson: Oh, sure. Olson always said (and, of course, he'd done a lot for the unions) that unions would not support social legislation if it affected their union organization. For instance, when I was director of Finance we were building the Cow Palace in San Francisco.
- Morris: That was built by the state?
- Gibson: Yes. In part for agriculture exhibits.
- Morris: I have a dim recollection that the reason it's called the Cow Palace is that it was built for agricultural stock shows and the like.
- Gibson: There were a lot of people out of work. I met with the union leaders in the governor's office, asking them to let us hire a lot of people out of work for ordinary labor to help us finish the Cow Palace. They said they would not work if we had non-union labor in there.
- Morris: The unions?
- Gibson: The unions. We went ahead and did it anyhow. That was one of the things the unions had against Olson.

Morris: So he had his troubles with unions, too.

Gibson: Oh, plenty. He was always fighting for social reforms. Sometimes the unions didn't agree with him. The leadership at that time was very conservative.

Morris: Of the unions?

Gibson: Yes. And some opposed him in his election when he ran against Merriam. AFL didn't oppose him, but the Teamsters did.

Morris: In '38?

Gibson: Yes.

Morris: It's curious about California politics. Why did it take twenty years between Democratic governors when registration has been heavily Democratic all the way through?

Gibson: It took them more than half the century before Olson's election. It was more than fifty years, wasn't it?

Morris: It was like 1879 or something like that. Was it the same Democratic party in the 1800s as it was in 1938?

Gibson: You mean were their philosophy and ideals the same? I don't know. I never had much to do with partisan politics. I ran for prosecuting attorney in my home county the year I was admitted to the bar, the year I graduated from college, on the Republican ticket in a Democratic county, and was elected. I had nothing whatever to do with politics after that--partisan politics or public office--until the governor asked me to become director of Finance. I took no part in any political activities in the Los Angeles area or in the state.

I knew Governor Young pretty well. He was a friend of my brother, who was editor of the paper in Pasadena. I had a very high opinion of Young. I never knew Merriam very well. He offered me appointment to the bench and I turned it down.

Morris: Why?

Gibson: I had a very successful law business and I wasn't interested in becoming a municipal court judge.

Morris: With all the fascinating things going on in the motion picture industry, did you ever regret leaving all that to go on the state supreme court?

Gibson: No. I was very pleased with my position on the court and very proud of it and still am.

Morris: Do you feel that the greatest successes were in the administrative kinds of things that you've been talking about?

- Gibson: I don't think they were more important than our opinions. But we did things that had never been done before, in any state in the country. This was the first state to establish a Commission on Judicial Qualifications, which is now called the Commission on Judicial Performance. I think it is the single most important judicial reform that has occurred in the last fifty years. Some people said the reorganization of the courts in the state was the greatest reform that had taken place. Although it has received much more publicity and is more easy to visualize, I don't think it was more important than the creation of the Commission on Judicial Qualifications.
- Morris: Thank you for sharing your experiences on the court with us and for your insights into the governors you've worked with.
- Gibson: Brown probably accomplished more for the state than Warren or Knight. It must be remembered, however, that Warren was governor during the trying years of the world war. Knight was a good governor but he was more politically ambitious.

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Final Typist: Marilyn White

TAPE GUIDE -- Phil S. Gibson

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Justice Stanley Mosk
before beginning the interview,
April, 1979

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Stanley Mosk

ATTORNEY GENERAL'S OFFICE AND
POLITICAL CAMPAIGNS, 1958-1966

An Interview Conducted by
Amelia R. Fry
in 1979

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INTERVIEW HISTORY

Time of Interview: March 1, 1979, before and after lunch.

Place of Interview: The justice's chambers, State Court Building,
San Francisco, California

Those Present: Justice Mosk and interviewer Fry

The Interview:

Justice Stanley Mosk's influence on the history of California comes both from what he accomplished and by what he did not do. He did not file for the U.S. Senate race in 1964, even though he had a healthy lead in the polls, and some observers feel that the Democratic debacle that followed might have been avoided had he run. Earlier, he did lead Los Angeles County to victory for Culbert Olson in 1938. He did swing considerable weight as Olson's young executive secretary at a time when only three persons enjoyed positions on the governor's staff. Then in 1958, after sixteen years as a superior court judge in Los Angeles, he entered and won the contest for California Attorney General, a post in which, at the least, he raised public consciousness of civil liberties. He also established new divisions for anti-trust, consumer fraud, and constitutional rights actions. As for declining to run for Senator in 1964, that non-action paved the way for his appointment to the state Supreme Court, where his vigor as a "liberal" justice (and as a central figure in controversies such as the inquiry into the court's 1978 pre-election procedures) has yet to be set down for historians.

In spite of his high-pressure, closely-packed calendar, the justice agreed right away to an interview and cleared a large part of the day for it. He stopped most telephone calls coming into the quiet of his dark-panelled chambers, and after reviewing the notes and outline, proceeded to settle into the question-answer routine systematically but with bubbles of humor escaping now and then. There was no time to develop a topic in depth--the strictures of the budget allowed for only one session, focussed on the early 1960s--but some of his direct, one-line answers conveyed the 1,000 words traditionally applied to pictures. A healthy tan and relaxed back-in-the-chair posture affirmed his easy smile. It was apparent that reviewing the high spots in his life was an enjoyable relief from his contrasting and complex duties on the bench.

The lightly emended transcript was sent to Mosk in late July of 1979, with our requests to re-insert his thoughts where the tape-changing process had left blanks. There was also one page of confusion between the 1962 and the 1964 campaigns which called for some reappraisal based on a chronology. He returned the corrected transcript promptly with the requested clarifications and minor additional revisions.

Justice Mosk also kindly gave the interviewer copies of a 1961 report of the attorney general's office on the John Birch Society, his 1963 testimony in the death penalty, and remarks to the civil rights panel of the 1963 Democratic platform committee. These supporting documents to the interview are available in The Bancroft Library.

Here, then, is a summary view of Stanley Mosk. It is to be hoped that more reminiscences can be forthcoming, perhaps from a yet-to-materialize oral history project of the California State Supreme Court.

Amelia R. Fry
Interviewer

21 August 1979
486 The Bancroft Library
University of California at Berkeley

I EDUCATION AT THE UNIVERSITY OF CHICAGO

[Interview 1: March 1, 1979]##

Fry: I think, to start with, we're probably a couple of Texans here. You were born in San Antonio. How long did you stay in Texas?

Mosk: I was precocious. I left there at the age of three.

Fry: [laughs] You were more precocious than I. Did you to to Chicago then?

Mosk: No, to Rockford, Illinois. That's where I grew up. I went through the public schools of Rockford and then went to the University of Chicago. I never actually lived in Chicago.

Fry: Could you give me a brief outline of your family?

Mosk: Well, I had a father and a mother.

Fry: Most Texans do.

Mosk: I have one brother. Now I have one wife and one son.

Fry: You sound a little monolithic.

Mosk: [laughs] Yes.

Fry: When and how did you get your interest in law?

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 56.

Mosk: I went to the University of Chicago as an undergraduate without really knowing what I would do thereafter. It was while at the University of Chicago that my interest was whetted in the political sciences, the social sciences. That seemed to lead toward the law. At that time there was no lawyers in my family so it was not impelled by family or other relationships. It was just an interest I developed as an undergraduate.

Fry: Could you give us the names of your father and mother?

Mosk: Yes, my father was Paul Mosk. My mother is Minna [spells it].

Fry: What did your father do, and your mother?

Mosk: My father was a small businessman in Rockford, Illinois, which itself was a small town of about 65,000.

Fry: You were in the Chancellor Robert Hutchins' University College at Chicago?

Mosk: Robert Hutchins and I were freshmen at the same time, he a freshman president [of the university] when I was a freshman student. I never did anything heinous enough to meet him while I was in college, but I got to know him later on when he moved to Santa Barbara.

Fry: That was a very broad education in which everyone who attended took just about everything, right?

Mosk: That is correct, but my class was the last class under what was called the "old plan," which was the more traditional college education. Hutchins started what was then called "the new plan" with the class that followed mine. It took him a year after he got there to develop his program, and I was not a beneficiary of that program.

Fry: So you had enough choices then, I gather, that you could choose your social sciences and your political sciences as you went through undergraduate work?

Mosk: That's correct. Chicago at that time did not award a B.A. degree, but a Ph. B. degree, which if you say it quickly enough sounds like Ph. D. That degree, the bachelor's degree, did not require science or mathematics or languages, in all of which subjects I am very bad. So that's why those courses appealed to me. [laughs]

Fry: You continued there on through the law school?

Mosk: That's right.

Fry: During those years at Chicago who rated the high points for you on the faculty?

Mosk: I would say those who made the most impression on me were Paul Douglas, who later became a United States Senator and who was my professor of economics, and Frederick Schumann, who later I believe went to Amherst or Williams and was a remarkable professor of political science. He was challenging. He stimulated thought. He posed dilemmas and challenged you to find an answer. He was good. In addition, I was always impressed by William Hutchinson, who was a professor of history. He made history come alive. There were others. It was a good faculty.

Fry: I have to confess I was University of Chicago, too. I'm really interested in this.

Mosk: You're much younger than I, so I'm sure that--

Fry: I think others would be interested too, since you were there right at the turning point. The student body, later on under Hutchins, was a very intellectually-inclined, analytical type of student body. I remember even in the restrooms the graffiti concerned the latest chemical equation [laughter] or mathematics problem. What was it like when you were there? Was it that way then, too?

Mosk: It was just starting. There were some absolutely brilliant students who came along in the classes following mine--one, two, and three years after mine. So I really didn't have them as classmates, but I could see the change coming, as you suggest.

Fry: From what?

Mosk: From a normal college life, which has pluses and minuses, I suppose, but which is to my mind a little more well-rounded. For example, I happen to love athletics, and I love drama and theater and things of that sort in addition to pure academics. I had a feeling that classes following mine, under Hutchins's new plan, were not that diverse in their interests. It was shortly after that, for instance, that intercollegiate athletics were abolished at Chicago. That was, I think, the direct result of the kind of student body that the Hutchins plan attracted. I don't want to denigrate it, because I think it has a definite place in American academic life. But for my taste, I enjoy a little more well-rounded atmosphere.

Fry: Could you take courses in drama and music back in your time?

Mosk: Yes, you could.

Fry: Those were extracurricular in my time.

Fry: How did you yourself participate in these other areas that you enjoyed?

Mosk: More or less as a spectator. I'm not an actor myself, but I enjoy drama. I'm not a particularly talented athlete myself, but I still love a great football game and a great basketball game. So it wasn't actual participation that was available to me, but observation.

Fry: What did you do in the area of campus politics?

Mosk: Nothing on campus. However I did precinct work in the city ward adjacent to the campus.

Fry: So you got through law school.

Mosk: Yes. While I was in school, my family moved to California. I just stayed on and finished and then immediately came to California. So I've been here all my adult life.

Fry: Then what put you in Governor Olson's campaign? Was that right afterwards?

Mosk: No, not immediately. I moved to California in 1934, graduated from law school in '35, and lived permanently in California thereafter. I immediately started practicing law in Los Angeles in the depths of the Depression. Practice was difficult in those days.

Fry: Sort of like it is now for young, emerging lawyers.

Mosk: Yes, except the financial rewards were considerably different. I used to come home and tell my wife, "I had a good day today. I had a ten dollar case and two small ones."

Fry: What sort of law were you practicing?

Mosk: General law. I had a general practice in Spring Street in Los Angeles.

Fry: With a firm?

Mosk: No, I shared office space--[interruption for phone call] I shared office space with a group of lawyers, which means we had a common library, a common staff of secretaries, but each of us were independent.

Fry: How did you get interested in politics?

Mosk: I was always interested in politics. Even while in college I worked in some campaigns in Chicago. A group of college students helped elect a reform city councilman in the fifth ward of Chicago. That was the one around the university, the Hyde Park area. I remember we elected a bright young man named Jimmy Cusack. So I sort of always had that interest.

II CULBERT OLSON'S CAMPAIGN FOR GOVERNOR, 1938

Mosk: I believe the first campaign I was interested in after college was one for district attorney of Los Angeles. I worked hard for a man named George Rochester, who ultimately ran third in a field of five.

Fry: How was the campaign?

Mosk: The campaign was fun.

Fry: Did you make any friendships that continued?

Mosk: No, I don't think any of the people I knew in that campaign remain close friends. Well, yes, I met people with whom I became more closely associated later in the Olson campaign of 1938.

Fry: Were you in the '38 campaign with a lot of young people who were spin-offs from the 1934 election? This is a kind of a theory of mine, that the spin-offs from the battle in '34 had created a hotbed of support for Olson.

Mosk: That's correct. Olson was elected a state senator at the time [1934] Upton Sinclair ran for governor and lost. While Olson was not part of Sinclair's EPIC [End Poverty in California] movement as such, he was the nominee on the same ticket with Sinclair and as a result was the beneficiary of the support of Sinclair followers. Many of them became Olson supporters in '38. That primary in '38 was terribly fragmented because President Franklin Roosevelt supported his close friend, J.F.T. O'Connor, who had been Roosevelt's Comptroller of the Treasury, and there was a variety of other candidates, many of them good liberal Democrats.

I think the primary attracted so many candidates because they sensed the Democratic victory in November and felt the nomination would be tantamount to election. There was a supervisor, Herbert Legg. There was Congressman John Dockweiler.

Fry: Was Dockweiler looked upon as a liberal?

Mosk: Well, no. He was a little more conservative than the others. Sheriff Dan Murphy of San Francisco was also a little more conservative. There were probably one or two other candidates in that race. But Olson, who was I guess the more liberal of the group, won the primary.

Fry: How did you happen to be in with the Olson group?

Mosk: I just liked him the best and plunged into his campaign. I became his Los Angeles County chairman at the time and devoted almost full time to his campaign in 1938.

Fry: Were you working in that campaign with Susie Clifton and Bob Clifton?

Mosk: Yes, Susie and Bob Clifton, Walter Ballou, a man named B. J. Kelley, and of course Olson's son, Dick Olson, and Kenneth Fulton, who was a fine, fine man. Fulton was very close to Olson and a great intellect, a man of very high principle. He ultimately became Director of Natural Resources in the Olson cabinet.

Fry: You say he was a great intellect. Was Fulton also a sort of ideologist for Olson?

Mosk: Yes, he was. He wrote some of Olson's better speeches too.

Fry: Do you think he had a great deal of influence on Olson?

Mosk: Yes, he did.

Fry: Is there anyone else that you noticed who was close to Olson and might have had a lot of influence on helping him develop policies?

Mosk: Phil Gibson too, who later became chief justice of the California Supreme Court. There were some others who later had some influence on Olson after he became governor, but not in connection with the campaign.

Fry: Before we get into that, I suppose we should find out about any campaign problems or special campaign techniques you had, especially in L.A. County. You didn't have television in those days, so I guess you used radio.

Mosk: No, we didn't have television, and Olson had no newspaper support at all.

Fry: That was a great disadvantage then, right?

Mosk: Yes, it was.

Fry: Did the L.A. Times just ignore him?

Mosk: They actively opposed him. That was the old Los Angeles Times, when it was a terribly conservative paper.

Fry: You had Kyle Palmer?

Mosk: Kyle Palmer was the political editor. Chic [Chester] Hanson was the chief political writer. They were generally Republican hatchet men.

Fry: They were more than reporters reporting the news from a distance?

Mosk: That's right. I always felt Kyle Palmer had a great deal to do with devising Republican strategy, as well as reporting it.

Fry: In your position in the campaign, did you ever go to them and talk to them?

Mosk: No, I had nothing to do with the press. I was really more, in those days, out in the field, getting precinct workers and district chairmen and that sort of thing.

Fry: And organizing that way.

Mosk: That's right.

Fry: What kind of a campaign was it? Was it like a doorbell-ringing campaign?

Mosk: Yes, it was. It was really a people-to-people campaign, doorbell ringing. That was the only way to campaign in those days, when you didn't have the media with you. Of course, the media was more limited in that, as you say, there was no television in those days.

Fry: Where did Olson's money come from, in general?

Mosk: He raised small amounts of money, by current standards. It was modest contributions from liberal groups and clubs, plus a few wealthy liberal benefactors who, fortunately, seem to always exist.

Fry: In L.A.?

Mosk: In L.A. particularly, yes.

Fry: Was that the same pattern that you saw later on in the forties and fifties and today, where a lot of the minority groups, especially the Jewish community, are the backbone of Democratic politics down there? What was it like then?

Mosk: I'm not sure the Jewish community was particularly helpful to Olson. He really wasn't known by them particularly. He was a hard-headed Scandinavian who really wasn't particularly known, hadn't associated with those liberal types particularly. I would say most of the campaign funds came from fundraising events by Democratic clubs, the remnants of the Sinclair movement, the same way Sinclair had raised his money, by nickles and dimes.

Fry: Was that too early for Susie Clifton to have been in the fundraising business?

Mosk: Susie was very active. I don't know that she was active in fundraising. Susie started out as a Young Democrat. I guess about that time she was just emerging from the Young Democrats into the major party. She was superb as campaigner, a tireless worker.

Fry: Organizer type?

Mosk: Organizer. She'd do everything from licking stamps to writing press releases to running errands to organizing. She did everything.

Fry: A broadly talented political person.

Mosk: Yes, she was.

Fry: You had this organized by precincts?

Mosk: Yes.

Fry: The old Chicago plan?

Mosk: Yes.

Fry: Except without much to offer people [laughs] afterwards in the way of patronage.

Mosk: That's right, exactly.

III EXECUTIVE SECRETARY TO GOVERNOR OLSON

Mosk is Offered Two Posts

Fry: When you went into Olson's office--speaking of being young--you were pretty young yourself. I was astonished when I did the arithmetic and found out that you became the governor's executive secretary at age twenty-seven. Tell me how he made that appointment. Were you bowled over?

Mosk: I didn't go up with the administration when it started in January of 1939. But about mid-February I got a call from Kenneth Fulton, who was then the executive secretary to Olson. He asked me to come up and go to work in the governor's office. I worked there as an assistant secretary for a month or two until Fulton moved over and became director of the Department of Natural Resources. Then I replaced him as executive secretary.

Fry: Had you written any speeches or anything for Olson?

Mosk: No, I hadn't.

Fry: Did you know Fulton better than others?

Mosk: I knew Fulton well. Walter Ballou was in the office, and Dick Olson was in the office at the time, the governor's eldest son.

Fry: What did an executive secretary do in those days?

Mosk: I did three things primarily. I was the office manager. That is, I made sure that we had the right number of secretaries and they were in the right places at the right time. I took care of the mechanical operations of the office, to make sure we had the necessary equipment. Then, I also handled extradition, executive clemency, and other legal matters connected with the office.

Mosk: Later on there was a little shifting, and a fellow named Frank Sullivan came in. He generally handled patronage problems. Then David Foutz [spells it out] came in, and he handled press and public relations. In those days there were just the three of us handling all of the work in the office--Sullivan, Foutz, and I. Now the governor's office has a tremendous staff of secretaries. I don't know how many they have.

Fry: Bob Clifton came in too.

Mosk: No, he never was in the governor's office. Phil Gibson was then Director of Finance, and Bob Clifton was an assistant to Gibson in the Department of Finance.

Fry: Do I have it right? Did Gibson ask you to help him be director of finance or to be director of finance?

Mosk: No, not to be director of Finance. He asked me at one time to come in as his chief assistant, deputy director of the Department of Finance. It was tempting because it paid more than a secretary. Secretary to the governor then got \$5,000 a year. Deputy director of the Department of Finance paid \$7,500, which is quite a difference. But I turned it down because I found the work more exciting in the governor's office and I felt I learned more there.

Fry: I sounds more varied.

Mosk: Yes, and finance is a subject that didn't interest me terribly.

Fry: I understand that since the attorney general was Earl Warren and he and Governor Olson were frequently at loggerheads, that Olson usually had somebody else to go to for his legal problems and that Olson didn't use Attorney General Warren as his own lawyer, the way other governors had. Is that true?

Mosk: Not entirely. He relied on deputies in the attorney general's office for, certainly, routine legal advice. There may have been, although I can't think of examples at the moment, instances where he did seek other advice on major problems. But no, we relied on deputies in the attorney general's office. At extradition hearings, for instance, which I usually conducted for the governor, we always had a deputy attorney general present to present the side of the prosecution. We didn't have any problem on that sort of thing.

Fry: You came in after his pardon of Tom Mooney, didn't you?

Mosk: Yes.

Fry: Was that still going on?

Mosk: It was still about the time. I don't remember the precise date of the pardon. I think I did come after that. Yes, I think he pardoned Mooney almost immediately, and I didn't get up there until about mid-February of his first year.

Fry: Was it still going on as a legal process at that time? Did you have anything to do with it?

Mosk: I didn't have anything to do with it at all, other than to have Tom Mooney drop in on me one day [laughs], which was kind of interesting.

Fry: Why?

Mosk: Well, I didn't particularly like him as a person, just from the conversation.

Fry: What was he like? One of our interviewees said they picked him up at the airport and found him so full of ego that they couldn't stand him. What was your impression of him?

Mosk: That's right. Ego, some paranoia. But I don't know why we should expect him to be any different. Mooney had come up the hard way in life and certainly had suffered a great deal. I don't know why we expect him to be a perfect gentleman that you'd welcome to your country club. That wasn't his nature.

As I recall I did a little legal work on the question of his co-defendant, Warren Billings--what could be done about his case. The Billings case was a little different. The governor could not pardon Billings because he had a prior conviction of a felony. Under those circumstances the governor cannot grant clemency without approval of the state supreme court, and the supreme court as then constituted was not about to approve clemency for Billings.

Fry: Earl Warren specifically; I understand, was a bit hard-nosed about these things too.

Mosk: I think so.

Fry: Would it have helped if you had had support from the attorney general's office in any of this?

Mosk: It might have helped persuade the supreme court in the Billings case, yes, if the attorney general [Earl Warren] would indicate he had no opposition to clemency. I don't remember specifically what Earl Warren did on those matters.

Fry: I think there was just a public statement or two.

Mosk: I would guess that Warren would not have approved it.

Fry: I'm curious--what did you think of Earl Warren at that time?

Mosk: At that time we always thought of Earl Warren as the opposition--bright, competent opposition, but opposition nevertheless.

Fry: In the dimension of liberal to conservative regarding his outlook on criminal justice, how did you see him?

Mosk: We saw him as very conservative.

The King-Ramsay-Conner Case

Mosk: I think what caused Olson and Warren to really have a rift was the King-Ramsay-Conner case.

##

Fry: Yes, the shipboard murder. The King-Ramsay-Conner case had been appealed at that time, right?

Mosk: Warren had prosecuted that case. I think he had done so personally.

Fry: As a DA.

Mosk: As a DA in Alameda County.

Fry: It had been a kind of a cause célèbre in Alameda County between liberals and very liberals. [laughs]

Mosk: Yes, and it was also a cause of organized labor because these three had been active in the labor movement. That was a difficult case because they were convicted on the testimony of an accomplice, or a hired gun, who later turned state's evidence and said that he did the actual killing at the request of these three men. The whole thing turned on the credibility of this man who actually did the killing. I've forgotten his name now.

I guess Olson was persuaded by labor leaders that they were innocent. Of course this infuriated Warren, who had done the prosecuting. I guess I can understand that. He had a firm conviction that he had prosecuted three guilty men.

Fry: So Olson asked you to work on it?

Mosk: I don't know that I did anything particular about the case. I probably read the transcript and perhaps gave him some synopses of the transcript, but I didn't have anything to do with policy on that case as I recall.

Fry: I'm curious about that because it did seem to be a case that Earl Warren got more involved in personally than almost any other there, and a case that was quite controversial among the legal minds at that time. Do I hear you saying that the difficulty was that the conviction turned on the evidence that was given by the hired killer. Would that have brought a conviction today?

Mosk: Yes, if his testimony is believable. This happens in domestic relations every now and then. A wife wants to get rid of her husband, or a husband wants to get rid of his wife, and he picks up somebody in a bar and pays him to do it. Later the fellow is apprehended, and he said, "Well, yes, I did it, but I did because the husband or the wife hired me to do it." It becomes a question of credibility then. Is he telling the truth or not?

Fry: As you read the transcript, did you think he was credible?

Mosk: My recollection is hazy on that. I don't think I'd want to venture an opinion after so many years.

Fry: There still seems to be a lot of questions about that. For instance, there's just been a Ph.D. thesis written on it.

Mosk: Is that right?

Fry: Yes, there's another thesis being written that includes a lot of that.*

Mosk: I don't know whether any of them are still alive or not.

Fry: A couple of them are.

*Miriam Feingold, "The King-Ramsay-Conner Case: Labor, Radicalism, and the Law in California, 1936-1941" (Ph.D. diss., University of Wisconsin, 1976).

The Philbrick Report

Fry: We do have to mush on here and get you at least to 1964. So, in Olson's office there also was the Philbrick report that he had on April 4, 1939, on the bribes and so forth for lobbyists. Did you have anything to do with that?

Mosk: I didn't.

Fry: The senate immediately suppressed it, but Olson's office--

Mosk: Released it.

Fry: Yes, had it printed.

Mosk: Olson had a hostile legislature all the time he was in office.

Fry: I wondered if you dealt with them.

Mosk: It was very difficult. None of his programs could get anywhere because of the hostility of the legislature. He was always convinced that the legislature was dominated by lobbyists, and some of them corrupt. Artie Samish was in his heyday at that time. As a result, there were some people around Olson who--I was going to say they were almost paranoic in their attitude toward the legislature, but they may have had some reason for their paranoia. The legislature was opposed to anything that Olson would suggest. As a result--I've forgotten who actually hired Howard Philbrick. Somebody did. He was an ex-FBI man, a delightful chap and a good investigator who developed these ties between lobbyists and certain powerful legislators, particularly Charles Lyon, who had been the Speaker of the assembly.

Fry: Who was later convicted.

Mosk: Later convicted of some offense.

Fry: A bribe, I think. Were these people who were around Olson who felt that way--and I'm not sure it's paranoia either--were they a liaison with the legislature? Or was that primarily you who were the liaison?

Mosk: No, I didn't work the legislature particularly. Those who really were involved in that were George Killion, who later became director of Finance, and Frank Clark, who was the director of Public Works.

Fry: On this, there was that thing called the Economy Bloc in the legislature.

Mosk: Yes, a combination of Republicans and conservative Democrats. After Lyon left the assembly, they put in Gordon Garland, who was a conservative Democrat, as the Speaker. They just blocked every part of the Olson program.

The Effort to Recall Olson

Fry: There was Bob Kenny in the senate at the time, who later became a liberal attorney general. Didn't he head up a recall movement against Olson?

Mosk: Yes.

Fry: I think Kenny himself told us that he wanted an appointment or something.

Mosk: Yes, that was unfortunate because philosophically Kenny and Olson were kinfolk really. But Kenny had a personal quarrel with Olson over an appointment. My recollection is that he wanted to be appointed to the state supreme court. Instead Olson appointed Jesse Carter, who was a state senator from Shasta County at the time. This infuriated Kenny, and he decided he was going to personally eliminate Olson. So he headed an abortive recall movement.

Fry: Was he in the group of Democrats that you were with then? Did you know him?

Mosk: Yes, I knew Bob Kenny quite well and always liked him. He was a delightful person of great wit and a good legislator.

Fry: I was struck by the similarity of the way each of you rose very early in life into important positions, young man prodigies I guess. Were you able to form any kind of communication bridge between Olson and people like Kenny?

Mosk: I don't think I had enough influence to. I was quite young, and it was difficult for me to assume the role of an elder statesman at that age, I'm afraid.

Fry: What did you and Olson try to do about the Gordon Garland crowd, and Garland himself?

Mosk: I don't know that anything could be done. The press favored them. They called themselves the Economy Bloc. Olson was the "great liberal spender." Of course, while public spending perhaps wasn't

Mosk: quite the issue then that it is today, it still was a big issue, and it was easy to inflame people with the idea that the Olson administration was spending.

When you think about it, the total state budget then was \$300 million, and today we talk in terms of billions. It's really laughable to think of that as being a spendthrift administration, but I think they were able to sell that idea to the people.

Fry: In this time, did you have a lot of responsibility put on you because Olson's health never quite recovered from his collapse at the end of his first week in office?

Mosk: No, I don't think I had any more. When he recovered he was fully active and alert. There was a period, perhaps, of the first four or five months that he was ill. The first month or two he never left the executive mansion, but thereafter he carried a full load.

Fry: I was just reading Walt Bean's latest California history text last night to see how he summed up Olson. Bean said that Olson's administration--not Olson himself--never really quite got fully on its feet and in control of things, perhaps because of the fact that Olson was ill. From your perspective, was that something that was damaging?

Mosk: His administration did get off to a shaky start unfortunately. During that first interim period his eldest son, Dick Olson, sort of took over, and he really wasn't competent to do so. If the administration had been entirely in the hands of Phil Gibson and Kenneth Fulton, I think it would have been a lot better. Some of the other people around Olson were not of that caliber. Frank Clark, his director of public works, was not a sound man philosophically. He was a good golf player and belonged to Olson's country club. They played golf together. He had, I think to some extent an undue influence upon Olson, whereas he wasn't really competent to exercise that kind of influence. In short, I think Olson could have done with a few keener minds around him than he actually had.

Wiretapping

Fry: The other issue was on the redbaiting that went on, especially regarding the Social Relief Administration?

Mosk: Yes, the State Relief Administration, known as the SRA. Yes, redbaiting was running rampant in those days. The State Relief Administration was under the administration, and probably some

Mosk: Communists did work their way into administrative positions in the SRA. That gave impetus to investigations by Jack Tenney, who headed the state senate committee that was kind of a forerunner of the McCarthy-type committees, and Sam Yorty who succeeded Tenney. They were always able to find Communists here or there in the SRA administrative hierarchy. That was used to discredit not only the SRA, but the whole Olson administration.

Fry: Then also, since you were later attorney general, I have to ask you about some of the wiretapping. I don't know how it was done in those days, but it was something on the telephones. I connect Walter Ballou as one of the persons that put in something--

Mosk: No, what happened was one day Gordon Garland found a microphone in his bedroom in the Senator Hotel. It was then alleged that the Olson administration had planted that bug in his room to listen in on his conversations with lobbyists who were having some effect on legislation. They did trace that bug, I'm sorry to say, to the governor's office. The bug had been planted by a professional operative of some kind, and the operative had been paid by a check issued on the governor's office. The governor's office had a secret service fund that it didn't have to account for.

Also, regrettably my signature--what happened was, as office manager I had all of the funds for operating the office at my disposal. A department head would come in and say, "Here's a bill for an investigation we're conducting into the SRA," or "Here's a bill for an investigation we're conducting into improper activities in the Department of Motor Vehicles." If the department head had an invoice for it, I would write out a check and pay it. That's what happened here. One of the department heads came in with an invoice for an investigation, so I signed the check. As a result, there was a legislative inquiry.

Fry: I didn't know that.

Mosk: They had legislative hearings conducted by Senator John Phillips of Riverside County. I don't know if he conducted it. He was involved in it.

Fry: Was he the most hostile?

Mosk: Yes, he was one of the most hostile.

Fry: That's the way you remember him?

Mosk: Yes indeed, he was.

Fry: You must have gone under some pretty stiff questioning.

Mosk: Yes, I did. I had to explain our procedure and how it was. They issued a report that exonerated me personally, but excoriated the governor's office as a whole for these kind of investigations. I'm afraid it was a little overzealousness on the part of some people in the administration who really did want to get something on Gordon Garland. Of course, that just wasn't a very nice way to do it.

Fry: The one I knew about, because of our work on the Earl Warren administration, was the fanfare when Warren first took office as governor after Olson left office. The newspapers carried all of the pictures of Earl Warren ripping out some wire connections.

Mosk: No, it was Gordon Garland who did that, I think.

Fry: This was some device in the governor's office, though.

Mosk: Oh.

Fry: There were transcribers up in another room, transcribing telephone conversations.

Mosk: Yes, that's correct.

Fry: I never did know whether that was like present businessmen who simply have their secretaries transcribe conversations when they want notes taken, or whether it was a secret listening--

Mosk: No, it wasn't. The governor did have a telephone connection to the legislature, and he was able to listen in on legislative debates and have them recorded. I think that is what Warren ripped out, as I recall.

Fry: I guess we have to drag ourselves on into the forties. You became a judge in '42, right?

Mosk: Yes, at the end of the Olson administration. He appointed me to the superior court.

Fry: Were you pretty well out of politics then?

Mosk: I was out of political activity from that point on.

Fry: You were a University of California regent, right, from 1940 to--

Mosk: That was just a brief period when Olson was out of the state and there were Board of Regents vacancies. Olson was afraid at that time that Ellis Patterson, the lieutenant governor, would fill vacancies while he was away. So Olson immediately filled all the vacancies before he left, and that was one of them. It was about six months or so before he got around to filling that position permanently, but during that six months period, I was acting as a regent.

IV STANLEY MOSK AS ATTORNEY GENERAL, 1958-1964

The 1958 Campaign

- Fry: Let's skip to the fifties. When did you get back actively in politics then?
- Mosk: I didn't until '58. At that time Pat Brown, who was attorney general, indicated he was going to run for governor. That meant, of course, there was no incumbent attorney general. The idea of getting into the political arena in connection with a legal office appealed to me. I don't think I would have run for controller, secretary of state, or anything else. That would not have interested me, but a legal office did.
- Fry: Had you considered running for any office in '54, four years before that, or in '56?
- Mosk: No.
- Fry: You were just being happy as a judge?
- Mosk: Yes. Well, "being happy" after a number of years you do find maybe that some other challenge would be more intriguing. After you try a certain number of personal injury cases, it begins to look as if it's just another accident at another intersection. Sometimes another field looks a little more green. When it began to look as if Pat Brown would abandon the attorney general's office, I decided to take the plunge.
- Fry: Who did you talk to about this? Who were your first supporters?
- Mosk: At that time, of course, the CDC was very strong, the California Democratic Council. I realized that I could run only if I had their endorsement. I felt I had two advantages: one, that there was no incumbent in the office. Second, at that time "Judge of the Superior Court" under your name was a pretty good political attraction, and being from Southern California, where the votes were, seemed advantageous.

Mosk: The opposition for the Democratic nomination was State Senator Bob McCarthy of San Francisco, and I felt that there were more votes in Los Angeles than there are in San Francisco. I felt that I would be better known there than he was. That gave me that advantage. But I still would not have run, I don't think, if I had not gotten the endorsement of the CDC. So I felt that was my first task.

Fry: I thought your first task might have been to be approved and to get the enthusiastic backing of the Roger Kent-Pat Brown crowd in Northern California. How was that in Southern California? Is that a Northern California perspective?

Mosk: Yes, it is. I realized that Pat's normal inclination would have been to support Bob McCarthy, because Pat knew McCarthy much better than he knew me. Pat knew Bob McCarthy's father quite well. His father was a big, generous contributor. So frankly, my hope was to really neutralize Pat and just to persuade him to stay out of the primary, because if he got in it I always felt he would have been for Bob McCarthy.

On the other hand, there were certain factors that made it-- what shall I say--improvident for him to support Bob McCarthy, in that the votes are down south, Pat was from San Francisco, McCarthy was from San Francisco, and they were both Irish Catholics. On the same ticket neither would have added anything to the other. So that was a factor I felt that might keep Pat out, and indeed, it ultimately did. He really did remain neutral.

Fry: Were you a definite Jew?

Mosk: Yes. [laughter]

Fry: I mean as a political figure, and was that a problem?

Mosk: Yes and no. It was an advantage in Los Angeles, where I had been active in Jewish community activities. That gave me a fair bloc of votes there that I felt would offset the Irish Catholic votes that McCarthy would have in his hip pocket in San Francisco. So there was that plus there. It turned out to be a disadvantage in the run-off later on against Pat Hillings, who tried to inject a certain racial, religious conflict in the campaign. But in the primary it was no problem at all.

I must say, that was the cleanest campaign that I have ever seen. Bob McCarthy and I never said an unkind word about the other. We wound up fast friends afterwards, although we didn't know each other beforehand. It's kind of gratifying to have political campaigns turn out that way. We both ran hard campaigns and did our best, but neither of us, as I say, said an unkind word about the other on a personal basis. He attacked the CDC for endorsing me. That was fair game, of course. But he never said anything about me personally, nor I about him.

Fry: Pat Hillings was pretty close to Nixon in '52 in that whole Republican convention escapade.

Mosk: Yes. Hillings was Nixon's "Great White Hope" for the future. He came out of Nixon's congressional district, succeeded Nixon in Congress, and they had great hopes for Hillings. So the Republicans really went all out for him.

Fry: Did Nixon come out and speak for him?

Mosk: I don't have a specific recollection of that, but I'm sure that it was well known that he was Nixon's candidate.

Fry: I wondered if you had to campaign against Nixon in reality. But that's not the way it worked?

Mosk: No, not particularly.

Fry: In the chaos in the Republican party at that time, due to the Big Switch.

Mosk: Yes, that hurt Hillings of course. Ultimately, it was gratifying that I ran ahead of the whole ticket. I beat Hillings by 1,135,000 votes, which was the biggest majority that any candidate got for any office in the United States that year.

Fry: And that was the year of the big sweep for the big Democratic margins here in this state too. So that was really something. In your campaign there were some pretty controversial propositions on the ballot. Two of them helped Pat Brown. I don't know whether they would have helped you or not. One of them was a proposition for state tax changes on behalf of parochial schools and private schools. The other one was the right-to-work initiative. Then there was a third proposition, a tax initiative, that was put on really to divert campaign funds from the right-to-work initiative.

Mosk: I don't recall that they were major issues in my race, and I suppose I took whatever position the Democratic party did at the time.

Fry: How did you organize your campaign in the north? My notes here say there was a Golden Gate Democratic Club. Do you remember that as being a nucleus that you started with?

Mosk: I don't remember that particularly. But my original campaign chairman was a young fellow named Glen Wilson in Los Angeles, who is a very fine person. He enlisted the help of Nancy Strawbridge up here. I don't know whether you know Nancy or not. She knew all the CDC types and really got me introduced to them, generally at little home meetings for the most part. Two other people who gave me a lot of help were

Mosk: Phil Burton and George Reilly. He was Board of Equalization. Phil Burton did it strictly philosophically. He felt he was closer to me philosophically than to Bob McCarthy. I must say he took me by the hand, and we just walked his district and went into Filipino barbershops and Chinese restaurants and laundries and really got to meet the people.

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Mosk: George Reilly supported me because he had had a quarrel with Bob McCarthy's father, who had failed to support George Reilly when he had run for mayor of San Francisco. He was out to punish the McCarthys. [laughs] As a result, Reilly was very happy to take a leadership role in my campaign here. So that gave me a certain amount of respectability in San Francisco that I might not have otherwise had because McCarthy was so well known here. But Burton was a tremendous help.

Another person who was helpful was Al Zirpoli, who was then on the San Francisco Board of Supervisors. He was a great help. He was particularly eager to be of assistance because he knew of my opposition to the death penalty. That was a matter of primary concern to him. To have an attorney general who opposed the death penalty appealed to him a great deal at that time.

Fry: How about Los Angeles? Was your position on the death penalty a problem for you there?

Mosk: No. It was well known. I not only didn't conceal it, I spoke about it frequently. I had to say, of course, that as long as the law was on the books, as attorney general I would have to enforce it. But I would do everything I could to eliminate the death penalty, and indeed I did.

Fry: We have that speech. What's the date on that?

Mosk: April 9, 1963, before the Assembly Committee on Criminal Procedure. I suppose it was somewhat unique for the chief law officer of the state to oppose the death penalty, but I did it just as a matter of conscience.

Fry: Is the Los Angeles Police Department a political entity?

Mosk: Yes, it was, under Chief William Parker. He and I tangled constantly. I made one speech before Town Hall that really infuriated him. That was the time of the Escobedo decision which adopted the exclusionary rule and said if police obtain evidence illegally-- No, that was the time of the Cahan decision when the state supreme court held that if the police obtain evidence illegally, the evidence would be

- Mosk: inadmissible at the trial. I remember in a speech at Town Hall I said, "Now the police will have to use their brains instead of their hobnailed boots." That just infuriated Parker. He never let me forget that statement thereafter and constantly opposed me at all times.
- Fry: I wondered how much clout they had. Did you come off as well in L.A. as you did in other places?
- Mosk: Yes, I won L.A. As a matter of fact, in November I carried every county in the state except Orange County.
- Fry: This sticks in my mind for some reason, but I think you were about the only one who carried San Diego in either that election or the one after.
- Mosk: Yes, I did carry San Diego. But I lost Orange County at that time.
- Fry: That's almost a feather in your cap, isn't it, considering the past image of that county was-- [laughter]
- Mosk: I remember a year after I was in office, I was invited to speak at a Junior Chamber of Commerce in Santa Ana. I started my speech out by saying, "I'm delighted to be here, even though this is the only county in the state that I didn't carry last year." There was wild applause from the audience. [laughter]
- Fry: That's second only to your speech at U.C. Davis last year [laughter] and the audience reception?*

The only other question I have is about your support. Did the Democratic party help you? Who did help you?

- Mosk: Yes. After the primary I must say the Democratic party united completely. At that time I did then have the very active support of Elizabeth Smith [Gatov] and Roger Kent. They had pretty largely stayed out of the primary because they knew Bob McCarthy well too. They concentrated on Pat Brown and could say that was the reason they were staying out. I could understand it. After the primary I must say they all pitched in, and they helped tremendously in November.
- Fry: There was a campaign war chest, partly for various legislative races. Did it help?

*As Justice Mosk rose to deliver the main address, a minority of the law graduates and their guests walked out in protest against the state supreme court's Bakke decision.

Mosk: I got none of that, no.

Fry: You had to raise your own?

Mosk: I had to raise my own money. Of course, the amount of money you raised in those days was laughably small. I spent \$85,000 to win the primary, statewide.

Fry: That's a lot though, then, wasn't it?

Mosk: No, not really. Of course today in an assembly district they spend more than that. I raised and spent about \$300,000 in November.

Fry: Were these, I suppose, largely Southern California sources?

Mosk: Yes, pretty generally. We had the usual \$100-a-plate dinner to raise funds.

Fry: Who was your fund raiser?

Mosk: A man named Alfred Hart, who was president of the City National Bank of Los Angeles, was my finance chairman.

Fry: Where does an attorney general get his funds from? He really doesn't have favors to pass out like a governor or a controller does.

Mosk: That's right. I always thought it was really kind of inspiring to realize there are so many people who make a contribution in a campaign without any thought of reward. As you say, there's nothing that an attorney general can do for anyone. My total patronage was six persons, out of an office of over 1,200. Those were the only persons who were exempt from civil service. So I just have to believe the money came from people who (a) were personal friends, or (b) were hopeful that I would be a good public servant. There may be a few who were betting on a long shot that maybe someday I would be governor or senator and then could be useful, but that's a pretty long shot to bet on.

Fry: I just remembered something. Maybe you can fill in on this. Having said that there was nothing an attorney general could do, I remember that one very big contributor in mostly Republican campaigns down south told me that in '38, when they backed Earl Warren for attorney general, one reason was that there was a large insurance company, the Pacific--

Mosk: Pacific Mutual.

Fry: Mutual had gone into receivership. They wanted to be sure that the attorney general got the right people appointed to run that. There is sort of an invisible network of support and power among the insurance companies and title and trust companies, and we're still trying to figure out their influence in campaigns. I wondered what that has to do, if anything, with the jurisdiction of an attorney general's office over those matters.

Mosk: In those Depression days there were receiverships of a number of major companies. You mentioned Pacific Mutual. That's true. They had kind of a problem. Also there was Pacific States Company, which later became Allied Properties, that owned the Clift Hotel and the Santa Barbara Biltmore and a number of hotels. The state seized those properties. But it was the governor, really, who controlled those and who appointed the receivers, rather than the attorney general.

Fry: Really?

Mosk: Yes. Now, the attorney general would act as counsel for the receiver, but he did not do that himself.

Fry: How does that work? Does the attorney general appoint--

Mosk: Actually, it wasn't the governor. It would be the insurance commissioner, but after all, he is an appointee of the governor.

Fry: Does the attorney general appoint a member of his staff to serve as counsel, or does he appoint someone else?

Mosk: No, he appoints a member of his staff. There are occasions where the attorney general will hire outside counsel in a particularly complicated case where he perhaps doesn't have anyone equipped to handle it, as for example in the fight over Colorado River water between Arizona and California. Pat Brown, as attorney general, hired Shirley Hufstedler and a couple other attorneys to work on that case, and Northcutt Ely. When I came in I just kept them on because they had had the experience.

But the attorney general just has remarkably little patronage power.

Fry: So at any rate, did you wind up solvent at the end of the campaign, or did you have a debt?

Mosk: No, that's another thing. In no campaign have I ever permitted us to have a deficit. Matter of fact, I think there ought to be some way of outlawing deficits. If we didn't have the money, we didn't spend it. I remember in the closing days of a campaign there would

Mosk: always be some spot announcements or an ad we wanted to place, and if we didn't have the money, we didn't do it. On the other hand, we could go to potential contributors and say, "We desperately need an ad in the San Diego Union tomorrow morning. Can you help us out?"

If you had a specific project, it was a lot easier to get the money. But if we didn't have it, we didn't spend. After a campaign it was always gratifying. When you're a winner people suddenly call up and say, "Can I help out now? You must have a deficit. Can I contribute to it?" It was always gratifying to say, "Well, thanks very much, but there is no deficit."

Fry: We'll get into that big deficit in '64 in a minute.

Three New Divisions: Consumer Fraud, Constitutional Rights,
and Anti-Trust

Fry: I only have a couple of names of people that I know were on your staff, Nancy Jewel and Charles O'Brien. But he entered six months later.

Mosk: My chief deputy was Richard Rogan of Los Angeles. [spells name] Charles O'Brien was my chief deputy in charge of criminal. I had Howard Jewel. Nancy Strawbridge was my administrative assistant. Tom McDonald was my press man, public information officer. He was a delightful young fellow--got him right out of Loyola University down south. Then I stole Franklin Williams away from the NAACP. He was their chief counsel, and I brought him in.

Fry: For what?

Mosk: What I did was I created new divisions in the office. Happily, Earl Warren was responsible for creating the concept of the Department of Justice, and the statute is so well written that the incumbent attorney general can create new divisions within the office at his will without getting statutory authorization. The only thing he can't do, of course, is demote persons in the office. He can transfer them around.

So I created a new consumer fraud division, a new constitutional rights division, and an anti-trust division in the office. I wanted to breathe some life into the state anti-trust laws. I put Wallace Howland in charge of that. He was already in the office, and he loved anti-trust work and really did a great job. Howland [spells it out]. As I say, I brought in Franklin Williams from the NAACP and put him in charge of constitutional rights.

Mosk: I also created a consumer fraud division, trying to protect the rights of consumers. We had a lot of fun with that one, I must say. We did little things like finding containers that had false bottoms and false side walls. There's a statute that says, "No container shall have false bottoms or false side walls." One day a woman in Ventura dropped a cosmetic jar on her bathroom floor. It broke, and she found it had a false bottom. She sent it to us and said, "What are you going to do about this?"

We decided we'd do something about it. I investigated the matter and found that all cosmetic jars had false bottoms and false sides, and they were all violating the law. So I called and wrote to every cosmetic company and said, "I'd like to have a meeting with you and your lawyer on such and such a date." We showed them what we had. We said, "You're going to have to change all your jars from then on. You're defrauding the public. I realize nobody has enforced it before. We're not going to prosecute you now, but you're going to have to change your jars. We'll give you a reasonable time to do it. How long will you need?"

Oh, they just screamed. They said, "We're not going to change. How can we have separate jars just for California?"

Fry: [laughs] They could do it nationwide, couldn't they?

Mosk: Yes. "Well," I said, "if you don't want to do it nationwide and you want to give up California, which is 10 percent of the population of the United States, fine."

There's another very neat section of the law that authorized me to seize any jars or containers that violated the law. I said, "If you don't change, I'm going to raid every drugstore in the state of California and seize all of your jars. I don't think that will make you happy." With great cries of anguish, they ultimately changed their jars. One of my staff afterwards presented me with this. That's exactly the way the cold cream jars were.

Fry: For heavens sakes! For the benefit of the tape, this is a cross-section of a cold cream jar that has been copper plated and mounted on a plaque. [laughter]

Mosk: But you see how much they were cheating the consumer. Now it's true their jar did state the weight accurately in most instances, but our theory was--and I'm sure the theory of the legislature in adopting this was that the matter of eye appeal has a certain effect on consumers. When they see this jar, they think it's filled with cold cream or whatever the substance is. Those are the kind of things that our consumer fraud section did.

Fry: How did your consumer fraud section relate to the new consumer office that Pat Brown put in in the executive--

Mosk: Later on he brought in Helen Nelson. She was doing some of the same things, but she couldn't bring lawsuits. She was doing more of an educational task. We were never in conflict at all. It worked out harmoniously. She was a fine lady.

Fry: Is that division still in the attorney general's office?

Mosk: I'm afraid that it has been de-emphasized somewhat. [Evelle] Younger did a pretty good job, but I understand that it has been further reorganized and de-emphasized by the new attorney general. But it remains to be seen.

Our constitutional rights section did some interesting things. We were able to break down the Professional Golfers Association. They were going to have a national tournament in Los Angeles, the Los Angeles Open, one of the big tournaments in the country, and their by-laws prohibited black golfers. It said "Caucasians only."

We got a letter one day from Charles Sifford, who was an up-and-coming black professional golfer. He said, "I'm barred from the L.A. Open. I don't think it's fair." We didn't think it was fair either. So we got in touch with the Junior Chamber of Commerce, which was sponsoring the tournament, and they agreed with us. They said, "We don't think there ought to be any racial bars either, but our hands are tied. The PGA national rules say 'Caucasians only' can be members of the PGA, and this is a PGA tournament. So we can't do anything about it."

Franklin Williams and I decided we could do something about it. The tournament was to be held at the Rancho golf course, which is a public golf course. So we notified the PGA that we were going to bring a lawsuit to prevent them from having the tournament on a public course unless it was open to all persons regardless of race.

They said, "But our by-laws--"

We said, "Well, sorry, you'll have to change your by-laws then."

They said, "Then we're going to move the tournament."

We said, "Fine. We just don't want a tournament that has this racial restriction in California, and we'll prevent it on any public golf course."

Mosk: So they said they were going to move it. I got in touch with my fellow attorneys general in New York and Illinois and Wisconsin and other states that I knew were sympathetic to this point of view and told them our problem. I said, "I hope you'll discourage them if they try to move to your state too." They all assured me they would. The long and short of it was the PGA changed its by-laws, and Charlie Sifford competed in the PGA tournament.

I must say, it's kind of gratifying. He later wrote an article for Esquire magazine, I think, in which he said that the attorney general of California had made the PGA safe for the Charlie Siffords of the golf world.

Fry: Was this fairly early?

Mosk: Yes, it was quite early.

Fry: Nineteen-fifties still?

Mosk: It would be about '59 or '60. I don't know what kind of a major impact they had, but these were the kind of tasks that our constitutional rights section worked on.

Fry: Did they get into housing at all?

Mosk: Housing presented a little problem, and we never did quite figure out what to do about it. About that time the housing project Ping Yuen was being developed in Chinatown, and it was exclusively for Chinese. Some people said, "Wait a minute. You're against racial restrictions. What are you going to do about a public housing project exclusively for Chinese?"

We had a delicate problem there. We worked some kind of a compromise, but I don't remember what it was.

Fry: Did you have a law to enforce at that time? Lou Cannon in his book, Ronnie and Jesse, wrote that there was a nineteenth century federal law that clearly prohibited discrimination in housing on the basis of race and color that was already on the books.

Mosk: I don't remember that particular law.

Fry: This was also before the Rumford Fair Housing Act in California.

Mosk: But Franklin Williams was a tower of strength in there. He was just first rate. In the anti-trust field we did some interesting things too. We concentrated there on rigged bids on public contracts.

Mosk: Whenever we would find identical bids by companies to public agencies, in connection with contracts, we'd go after them. I was able to play Santa Claus to some local communities, I remember.

For instance, we found that the Brunswick-Balke-Collender Company, which builds bleachers for gymnasiums, was overcharging. So we communicated with all local school districts that had gotten some gymnasium bleachers and said, "Would you like to have us represent you? I think we can recover something for you." They were delighted, of course. So we sued on behalf of numerous different school districts, and we were able to get a substantial judgment ultimately. It was kind of gratifying to be Santa Claus and to send out checks to a number of local districts which had been overcharged. As I say, our anti-trust division did a lot of that sort of thing.

Fry: You also did something to bring about more uniform standards for police. Did that continue your feud with the L.A. Police Department?

Mosk: No, as a matter of fact, they liked that. That had a sugar coating to it. We devised a minimum standard for peace officers, for their training. The big cities didn't mind this at all because they met the standards. Los Angeles met it. San Francisco met it. It really affected smaller communities. But in order to enable them to meet the standards, we created a fund which paid for the training of the police officers. So that a little town the size of Dinuba could send its peace officer to a training school in Los Angeles and have his expenses paid.

We also had a nice little gimmick worked out so that this did not come from the taxpayers. We provided that there would be an assessment on fines, a 10 percent assessment on all fines levied in California. That assessment would go into the fund to train peace officers. Our theory was that the law breakers were therefore paying for the training of peace officers. If a man were fined \$100, he had to pay \$110, and that \$10 went into the peace training fund, as a surcharge on fines.

Fry: There's a logic there.

Mosk: Yes, there is. As I say, it didn't cost the taxpayers a dime. It trained peace officers, it established standards, and the lawbreakers were paying for it. It just worked out perfectly.

Fry: [laughs] That's Proposition 13 talk.* As you went on, there was something about diploma mills and black market babies.

Mosk: Yes, we had some of those cases.

*Proposition 13 refers to an initiative amendment to the California constitution, passed in 1978, which limited the amount of property taxes local governments could assess.

Enforcing Drug Laws

Fry: Maybe more important is the narcotics picture.

Mosk: That wasn't as bleak as it is today, but it was becoming so. We had a narcotics bureau in the state that was very active.

Fry: What were the problems then? What were the drugs?

Mosk: Heroin and marijuana.

Fry: You did have a meeting with the governor of Baja on that, which sort of reminds you of the meetings that are held today between the U.S. and Mexico on that problem.

Mosk: Yes.

Fry: Was that the same thing? Was marijuana being imported, or heroin?

Mosk: Both. Our hope was that Mexico would do its share to crack down on that side of the border so it wouldn't be so easy for people from California to go over there and get narcotics.

Fry: Did the governor of Baja understand?

Mosk: They always paid lip service to it. We had to be friendly, but we had a feeling that they weren't trying very hard.

Fry: You went out of office just as the drug scene really begin to escalate here. So there wasn't the public awareness of it then.

Mosk: Not quite.

Fry: But still it was a campaign issue.

Mosk: Yes. The thing that I tried to awaken the public to was the use of pills. That was just beginning at that time.

Fry: Legal pills?

Mosk: Legal pills. But what troubled me so much as the fact that American drug companies were profiting by it, knowingly so. We established, for instance, that a little drugstore in Tijuana would order tremendous quantities of pep pills and depressant pills, more than that community could normally use in many, many years. Yet prominent American drug companies would fill that order for an obscure little drugstore in Tijuana, knowing full well that those drugs were going to ultimately get into the illicit traffic. They did it without any pangs of conscience at all.

Fry: These were prescription drugs?

Mosk: Prescription drugs, sedatives and amphetamines and that sort of thing.

Fry: What could you do about that?

Mosk: Not much. We hoped somehow the federal government would clamp down on these drug companies. None of them were in California, and their manufacturing wasn't in California, but our interest was in the fact that it was so easy for Californians to go to Mexico and acquire great quantities of these drugs and then put them into the illicit traffic in California.

Fry: That was your hope.

Mosk: That was my hope, that we could enlist the federal government, yes.

Fry: Did you get any help?

Mosk: I guess we did try to alert them. When John Kennedy was running for president in 1960, I persuaded him to agree to hold a White House conference on narcotics, after the election. He fulfilled that promise and did hold such a conference. I was one of the speakers and tried to alert them to the problem.

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Mosk: Unfortunately the federal government never did all it could toward regulating drug companies and their interstate or international shipments of drugs, and I don't know that they're doing it to this day.

Fry: What were the 10-percenter operations?

Mosk: These were land fraud deals. Most of them didn't take place in California, but they affected Californians who were induced to buy desert land in Nevada and Arizona and places that didn't have as effective regulations as we had here. We did our best to get local authorities to prosecute those who were committing these frauds in California, by their advertising here for Californians, even though the land was located elsewhere.

Fry: So that meant that you had to deal a lot with attorneys general?

Mosk: Attorneys general in Arizona and Nevada, and hope that they would do their duty at the other end. Of course, our interest was in protecting gullible Californians, even though the land was elsewhere.

Civil Rights and Civil Liberties

Fry: Were you heading the governor's task force on civil rights during this period while you were attorney general?

Mosk: No.

Fry: [laughs] Is it true that you headed the governor's task force on civil rights? I think that was in Who's Who, or maybe it was a newspaper blurb.

Mosk: I don't have any recollection of such an agency.

Fry: I wonder if it could have been in Pat Brown's campaign.

Mosk: It could've been.

Fry: In '62?

Mosk: I have no recollection. If there was such an agency, I don't know that it did very much.

Fry: There were House Un-American Activities investigations that hit California while you were attorney general, with demonstrations and so forth. That's the other thing I wanted to ask you about if you have time to answer it now. If not, why we'll start there next time.

Mosk: That's all right. Go ahead.

Fry: There were some hearings in which a lot of teachers were interrogated to prove that there was Communism in the schools. You issued an opinion on February 2, 1960, that said, "These statements have no value and may be completely discounted because there are no names of who submitted the information," and of course they didn't get to confront their accusers and so forth. Do you remember all that?

Mosk: I remember it, but I don't remember any more than you have just read to me.

Fry: Did you actually do any of that personally and take it on as your personal business, or did you have a deputy handling that?

Mosk: Ordinarily I would have a deputy handle the problem and discuss it with me, but the ultimate responsibility was mine, and I'll accept the responsibility, either praise or blame, that goes with it.

Fry: Were you able to be active in ACLU? The first time I saw you was in the sixties while you were attorney general. You were giving a speech for an ACLU fundraiser at Roger Kent's house.

Mosk: No, I wasn't active other than to attend a banquet if I was invited, or a meeting, or say a few words. But I wasn't active. I had nothing to do with their policy. I would necessarily be in disagreement with them on occasion, although basically, philosophically, I'm sure we were more in agreement than disagreement.

Relations Between Pat Brown and Stanley Mosk

Fry: How did you get along, as a member of Pat Brown's administration, with Pat Brown, who himself had been an attorney general?

Mosk: We got along very well for the most part. There were a few occasions when we didn't. The first thing after election, when Pat Brown and I met, he said, "There's one favor I want to ask of you." I must say I drew back at that time. I wondered, now what was going to come. He said, "I think you ought to retain Ted Westphal in his position." That was the best advice that he could possibly have given me. Ted Westphal had been brought in originally by Earl Warren, and Pat Brown kept him on. Here was Pat asking me to keep on a man who was not a political appointee. He was a career man in the office. It turned out to be splendid advice because Ted Westphal was a magnificent lawyer. He did most of the hiring in the office of young deputies out of law school--of the civil service list--and he ran the civil side of the office very well.

The only time that Pat and I had any serious disagreement was over water. Ultimately in the fight over Colorado River water Pat relied upon Abbott Goldberg, who was head of that department. I've forgotten what it's called at the moment. I was pursuing the litigation over Colorado River water and was working with the seven Southern California agencies that got their water from the Colorado River. We were fighting Arizona every bit of the way, and Pat, persuaded by Abbott Goldberg, took a more moderate position, which we always felt was sort of undercutting our litigation. So we did have some battles at that time. I can't really fault Pat for it. He was, frankly, taking a more judicial and objective attitude, whereas I was taking more an attitude of advocacy. I was pounding the desk and fighting for California's water. Frankly, our legal position was open to question, I must say. But on the other hand, we had been getting water from the Colorado River. People depended on it. Arizona wanted it for agricultural purposes. So our argument always was, "Which comes first, people or lettuce? Arizona wants it for lettuce. We want it for people."

- Fry: That could have been a Northern California vs. a Southern California difference.
- Mosk: No, not really. The Colorado River only affects Southern California.
- Fry: That's what I mean, and Pat Brown at that time was not a Southern Californian.
- Mosk: That's right. But he was a little more moderate and, as I say, perhaps more objective than I was. I was more ardent in advocacy.
- Fry: Could you give me a picture of what actually occurred? Did you have meetings with Goldberg and Pat Brown?
- Mosk: Oh, yes. We had meetings, and then of course there were statements and speeches and that kind of thing. He would make a speech on water, and it wouldn't conform to the position that we were taking for California in our litigation. So we had some public disagreements at that time.
- Fry: Did this continue right up to the point where the case was decided?
- Mosk: Yes, it did.
- Fry: There were a couple of scandals. I'm nervous about your luncheon appointment.
- Mosk: Yes.
- Fry: I think you should just draw it to a close if you have to. I was going to ask you about the DMV [Department of Motor Vehicles] scandal.
- Mosk: What was that? I've forgotten that.
- Fry: It may not have been very much. In 1963, your office had investigated some of DMV's investigators who were making deals with auto dealers. Since this was your office investigating something in the executive branch, I was interested in it.
- Mosk: I have the vaguest recollection of it, but I don't remember any details.
- Fry: It probably was a memo on your desk there for a week or two, and that may have all it had. That's all.
- Mosk: All right, fine. [discussion of continuing interview after lunch]
[tape interruption]

The Caryl Chessman Case

Fry: I have one other thing here on my outline which is on the Chessman case and the Watts riots. Did you, as attorney general, have anything to do with either the Chessman case or the Watts riots?

Mosk: Yes. I was involved in the Chessman case, but not in the Watts riots. My recollection is they took place in '65, didn't they?

Fry: Yes, after you left office.

Mosk: But yes, I inherited the Chessman case, which of course had been going on for a number of years before I became attorney general. I believe in the adversary system. I think it's the only way in which courts can arrive at considered judgment; that is, if they have both sides presented. So it was the duty of the attorney general's office to present the side of the prosecution, and we did so. I never handled any of it personally, but authorized my deputies to handle the Chessman case just as they would any other criminal case, and they did.

Fry: Would that case be up for capital punishment today?

Mosk: I think not. That's the sad part about capital punishment. It's so permanent and irrevocable. If Chessman were charged similarly today, I think the Daniels case, which I wrote since I have been on this court, would be controlling.

The Daniels case held that where movement is connected with the underlying crime itself, the state cannot charge the defendant with both the underlying crime and the movement, to wit, kidnapping. Chessman was charged with rape, but he was executed, of course, for committing kidnapping and for robbery in the course of a kidnapping, because he not only raped women, but he moved them some distance and removed some money from their purse, which constituted robbery in the course of a kidnapping. But as I say, the state supreme court in the Daniels case has now held that if the movement is merely incidental to the underlying crime, that you cannot charge kidnapping under those circumstances.

What happened was district attorneys were going overboard. An armed robber would come in and hold up a liquor store. He'd tell the proprietor to move from behind the counter over to the cash register. You could say that is forcible movement, which is one of the definitions of kidnapping. But we held that is merely incidental to the underlying crime, which is robbery. So I would doubt that Chessman would be convicted today of a death penalty offense. He'd be convicted of many other offenses, which he undoubtedly committed. I had no doubt that he was guilty. The doubt was whether he deserved the death penalty.

Fry: He would not have been convicted of--

Mosk: Convicted of a death penalty offense.

Fry: Which would have been the kidnapping.

Mosk: Today he would have been convicted of forcible rape, and maybe robbery, because he did take some money out of the purses of some of the women.

Fry: At one point in all of this, Pat Brown, as governor, wanted to get the state supreme court to rule that he could commute Chessman. Is that the correct wording?

Mosk: That's correct. Yes, he had to get the state supreme court's approval because Chessman had a prior conviction of a felony.

Fry: Yes, and he didn't get that.

Mosk: He missed it by one vote, and he was quite disappointed because it was one of his appointees to the court. Tom White was the swing vote, and he voted against permitting clemency.

Fry: Can the attorney general help at all, or is the attorney general's relationship to the state supreme court similar to the relationship between the Department of Justice in Washington and the U.S. Supreme Court?

Mosk: No. With this court the attorney general is just another advocate, no more, no less. On requests to approve applications for clemency, the attorney general makes no appearance at all. The request comes from the governor's office. It contains the file of all the material that the governor has justifying it, and whatever material he has that indicates the contrary. The court considers it without an open hearing, just a private conference.

Fry: So in the Chessman case, what did your office do?

Mosk: Our office resisted some of his appeals to courts along the way. Chessman was constantly in court with various petitions for habeas corpus and for other types of relief, both in the state courts and in the federal courts. My deputies would appear and express the side of the prosecution.

Fry: Did you have a special deputy who was working on it?

Mosk: I did, but I don't remember which deputy it was. I have a vague idea it was Arlo Smith, but I'm not certain of that. Arlo. [spells it]

V THE 1960 CAMPAIGN

Mosk is Chosen National Committeeman, 1960

Fry: I guess we can move into your national committeemanship, which started in 1960, I believe at the June 18 meeting--is that a meeting of the delegation or of the Democratic State Central Committee?

Mosk: The delegates select the national committeeman.

Fry: Do you want to tell about why they wanted you in place of Paul Ziffren, and who wanted you? [laughs]

Mosk: In one respect that's, I suppose, one of the things that I have some regrets about. That is, I let Pat Brown talk me into taking that. It was Pat Brown who persuaded me to serve as national committeeman. He was, for various reasons, disenchanted with Paul Ziffren. I can only speculate now on the reasons, but it was Pat who wanted to feel that he was in control of the Democratic party of California, and he didn't have that feeling with Paul Ziffren.

Paul was very bright, able, articulate, and ambitious, and I think Pat had some resentment against that. So Pat persuaded me that the votes were there and that it was my duty to unify the party and to serve as national committeeman. And I let myself be talked into it. I regretted it afterwards because Paul Ziffren resented it. I liked Paul and was a friend of his.

Fry: What were your other reservations?

Mosk: That it might be time-consuming. It didn't prove to be, because I didn't work at it very much. I suppose you can make it a major task if you want to, but I didn't do so. On the other hand, I did get considerable satisfaction and pleasure out of it, because I got to meet national figures that I would not have otherwise known. Even today, I keep up contacts of friendships that I made during that

Mosk: period, people like [Henry] "Scoop" Jackson--he was national chairman for a brief time--and any number of other United States senators and governors that I wouldn't have had an opportunity to get to know had I not been national committeeman. From that point of view, it was pleasant.

Campaigning for John Kennedy, 1960

Fry: People from the Kennedy White House?

Mosk: Let's see. I was national committeeman before the Kennedy campaign. After I was elected national committeeman, the Kennedy people wooed me [laughs] and persuaded me, and I did come out in support of Kennedy very early.

Fry: Oh, you did. Because that was when Pat Brown's delegation was trying very hard not to come out in support of anybody. [laughs]

Mosk: That's right. They wanted to be neutral, but I was an ardent Kennedy supporter from quite early. He captivated me, I must say. I supported him within the delegation.

Fry: He or his friends or aides came out here quite frequently before and after the primary.

Mosk: Yes, they did. Larry O'Brien was here frequently. I don't remember that Sorenson was here, but Ken O'Donnell and Steve Smith were here frequently. In fact, it seemed like a good part of the state of Massachusetts moved out here during that period. [laughter]

They were worried about Pat Brown. In the sixties the religious issue was of consequence. I think Pat had some ideas in the back recesses of his mind that he might end up as a vice-presidential candidate. But obviously he could not be if Kennedy, another Catholic, were the presidential nominee. So I think Pat secretly hoped that the nominee would be a typical, white Protestant. Then to balance the ticket they might well look for a Catholic governor, and that would be Pat. So Pat was not enthusiastic about Kennedy. But there were many others of us who felt that Kennedy was the best candidate.

Fry: I've got a chronology here of that campaign. Kennedy made his famous speech to the Houston Ministerial Association. Was that used at all here in California to relieve that opposition and the fear on the part of some people that his Catholicism would interfere with his presidency?

Mosk: I don't have a feeling that his Catholicism was a major issue in California as a whole. It probably was, up and down the Central Valley where there were a number of transplanted Southern Baptists, and perhaps to some extent in Orange County. Orange County, of course, didn't count very much because it wasn't Democratic territory. The Valley was, but there the McClatchy newspapers have a great influence. They wouldn't stand for any religious bigotry. Indeed, Eleanor McClatchy herself is Catholic. So I think that helped neutralize the effect there.

Fry: One analysis of this campaign mentions that Kennedy's strongest support was in communities that were heavily Catholic and in communities that were heavily Jewish. It made me wonder if you had a very special place in this campaign as a go-between between Kennedy and the Jewish community.

Mosk: I don't recall that I did particularly, but I suppose it was inevitable that the Jews would sympathize with a person who was being--not assailed really--but who had difficulty because of religious beliefs.

Fry: There was an empathy.

Mosk: There would be an empathy and a likelihood to rally to his support.

Fry: What did you do in the campaign? Was it something that was in line with your national committeemanship, or was it you as an individual simply working in the campaign?

Mosk: I think most of what I did was to coordinate and arrange events. I believe I helped with some fundraising activities and in general just tried to make sure that the day-to-day operations of the campaign were running smoothly.

Fry: Did you go with Jack Kennedy when he was here?

Mosk: Yes, indeed I did, and appeared with him whenever he was in the state. He was here quite frequently. That was a pleasant aspect of being national committeeman, to travel with him.

I remember one time he took the train from Oakland down the Central Valley all the way down to Bakersfield. One incident lingers in my mind. The train stopped along the way, and he'd make platform appearances from the rear of the train. We got to Fresno, and there was a huge crowd in Fresno, or somewhere around Fresno. Kennedy made a speech from the back platform. Just as he started to speak, it began to rain. He knew this was an agricultural area, and he thought that rain was necessarily beneficial. So he said, "There you are, ladies and gentlemen. You see this is great Democratic rain."

Mosk: Well, the crowd groaned because the last thing they wanted at that time was rain; they had their grapes out on the ground for drying into raisins. [laughter] Of course, we had to call that to his attention before the next stop. [laughter]

Fry: What did you think about him as a speechmaker in general then?

Mosk: Oh, he was just a delight. He was quick and witty and charming. Even though he would speak dozens of times during the day, they weren't canned speeches that were all identical. He had something new of substance in every one. He was just excellent as a speaker.

Fry: How was he as a conversationalist between stops? Or was he pretty much alone?

Mosk: No, in the club car we'd sit around and talk. What they would do on a train trip like that, as you'd be in San Joaquin County, they'd bring in the San Joaquin County Democratic leaders. They would get on the train in Stockton and then they'd get off at Merced. Then the Merced group would get on there and ride to Modesto. They'd all have an opportunity then to meet and mix with and chat with the next president of the United States. Of course, that would rekindle their enthusiasm, and they'd redouble their efforts thereafter. He was awfully good at that kind of conversation with people.

Fry: How else did you function with him? Tell me all about it, because we need to get a lot on Kennedy.

Mosk: I mentioned how I got a commitment out of him to have a White House conference on narcotics when he got into the White House. He fulfilled that commitment later on. In fact, I still have the proceedings of that conference.

We tried to brief him on local issues as he'd go along, so he wouldn't make that kind of mistake, and try to anticipate what the press might ask him at the next stop, that kind of thing.

Fry: There was something that seemed to run through that campaign that was evidenced here by Unruh's way of signing up people in Los Angeles. Unruh got a lot of criticism for that because he was paying workers to get out the vote, I believe it was, or to get registration, one of the two. Correct me if I'm wrong, but I think the money came from the Kennedy camp, or else it came from California coffers. But it was around \$1 million, which was a lot in those days. There was criticism that Kennedy never quite understood the political process in California and how really different it is from Boston where you have more patronage.

Mosk: I don't remember that Unruh and/or Kennedy people had anything to do with that, but I do recall that in one county--and I thought it was San Mateo County--the county central committee was paying registrars a little bonus for every Democrat they registered. Somebody challenged that, and it came up to me as attorney general for an opinion. We held that was illegal and that it had to stop, which perhaps didn't endear me to some overzealous Democratic partisans.

Fry: Unruh was a paid campaign worker to organize people to do that, and they got paid. [sotto voice] Is that your door?

Mosk: [whispers] Yes, it is, but I think they'll go away if we don't answer them.

Fry: [whispers] We'll whisper. [laughs]

Conflict at the 1960 Democratic Convention##

Fry: There was a problem in the convention with the California delegation because it was not committed to any real candidate. It was committed to Pat Brown. It was a question of when he would release the delegates, which he didn't do until after they got to Los Angeles. That was also the convention where there was a lot of demonstration for Adlai Stevenson. But this confusion within the delegation was kind of a hallmark of that, where one early delegation roll call showed the delegation split something like this: Kennedy, 33 1/2; Stevenson 31 1/2; Symington 8; Lyndon Johnson, 7 1/2; and Pat Brown, 1/2. Those figures vary in each source I read, but it was roughly like that. It was a very un-unified delegation, and they had a hard time even [laughs] reporting at the time of the roll call how California was voting, I believe. Could you tell us more about that?

Mosk: Yes, that I remember. There was this confusion, and there were constant caucuses within the delegation. The pro-Kennedy people would be caucusing to see if they could pick up some more votes, and I assume the others were doing the same. So there was a divisiveness within that delegation. Your recollection is correct, that when it came to roll calls, Pat, as the chairman, had a terrible time getting the actual count, because it fluctuated constantly. But there was the nucleus of thirty-plus solid Kennedy people and thirty-plus solid Stevenson people and a few other scattered votes. Some antagonisms did develop during that time.

Fry: How did you, as a Kennedy supporter, view the Stevenson candidacy? Was it a stalking-horse sort of thing?

Mosk: No, it was all Stevenson. It was hard to be against Stevenson, because I loved Stevenson. He was a magnificent human being. But there wasn't a feeling that he really wanted it, or that he wanted to fight for it at that time--or if he did, that he was electable. But nobody could be against Adlai Stevenson. He was a fine person, and I considered him a friend.

Fry: Mike Monroney of Oklahoma was working for Stevenson. Was he working for Stevenson at the convention?

Mosk: I think so.

Fry: I think that Monroney later on was shown to be using Stevenson as a stalking horse for Lyndon Johnson. Were you aware of it at the time?

Mosk: I don't think so.

Fry: How did you deal with these fervent Adlai Stevenson supporters at the convention in your efforts to get the delegation more together? Or is that a correct assumption, that you did?

Mosk: I don't recall anything specific along those lines. My recollection is the delegation was terribly fragmented. The Stevenson people, of course, were buoyed by the galleries, which were really pro-Stevenson. I think maybe that was part of Pat Brown's disenchantment with Paul Ziffren. Even though I was already selected as the national committeeman, I didn't take over until post-convention. So it was Paul Ziffren who had been connected with convention arrangements, and I think Pat was a little unhappy--or a lot of people were--that Ziffren hadn't controlled the distribution of tickets in such a way as to prevent the galleries from being packed for one candidate, to wit, Stevenson.

Fry: That's how Ziffren got blamed for that packed gallery, then.

Mosk: Yes, even though he was a lame-duck committeeman, he was still the national committeeman until the convention ended.

Fry: Did you have something to do with the selection of delegates, which happened in Carmel? It was very interesting how the Kennedy people were operating that weekend.

Mosk: I don't remember that. My recollection is hazy on that.

Fry: Do you have anything that you remember about the election, and about the ways in which you had to deal with Nixon's tactics? One of the things that Nixon kept bringing up, I think, was still an allusion to the importance of national defense and a sort of vague anti-communism.

Mosk: I don't have anything useful--

Fry: Then the U-2 incident happened. .

Mosk: Yes. During that period my wife campaigned up and down the Central Valley with Joan Kennedy and with Pat Lawford and with Janet Leigh. The four of them toured the Central Valley at some length, hitting all the small towns. Of course, they were quite an attraction. Janet Leigh was, in her own right, and of course Pat Lawford was not only a Kennedy, but a wife of a movie star. Joan Kennedy was then new to the whole thing and kind of wide-eyed about everything. She had just been married a short time. They had a lot of fascinating experiences in the small towns of central California.

Fry: Did they find that difficult to handle? That's very different from the rest of California.

Mosk: No. They covered women's groups primarily and went down the central part of the state.

Fry: Let's go upward and onward then. You went back to your "attorney generaling" afterwards. Were you close enough to the Kennedy administration so that you could evaluate for me how the 1960 convention affected Pat Brown's relationship to the White House? I have heard both ways. Sometimes his lack of control of that delegation at the convention was a--

Mosk: It probably affected Pat's prestige a little bit, but the Kennedys were certainly pragmatic. They realized how important California was and is. They were also looking to the future. They knew that Kennedy would be running for re-election. So I had the feeling that they were going to overlook past differences and wanted to be helpful to California.

Joe Valachi and the Mafia

Mosk: I found, as attorney general, I could call Attorney General Bobby Kennedy, make an appointment, and be back there and discuss problems without any difficulty any time I wanted to. I did frequently on criminal problems and that sort of thing. For example, you may remember a fellow named Joe Valachi, a Mafia or Costa Nostra member, started to sing, as they say in criminal jargon, and began to name members of the Mafia. So it was reported.

I was able to call Bobby Kennedy and say, "If he names anybody in California, we're very much interested. May I get the names?"

Mosk: He said, "Sure. Come on back here, and I'll give them to you."

Just that easy. So I went back to Washington, and he did give me the names that Valachi mentioned of Californians who had any connection with the Mafia. This was very useful. I, in turn, passed them on to local law enforcement. I said, "Here is somebody who's been named as part of the Mafia." Most of the names took them totally by surprise. They weren't aware of it at all. As a result, they were able to keep an eye on these people, to make sure they weren't letting the Mafia get any foothold in California. These kind of easy relationships with Washington were, I think, very helpful to the work we were doing--in that instance, in law enforcement.

Fry: Yes, and especially in organized crime. Was the organized crime in California then at all like it was in the crime commission's investigations in '49 and '50? There was the juke box industry and a few other protection rackets.

Mosk: No. For instance, the people that Valachi named, as far as we could then determine, although they had been Mafia members, were out here in California now and using their ill-gotten gains to go into legitimate businesses. The thing, of course, we were always concerned with was how long the business would remain legitimate. One would be a used-car dealer. Another would be a cheese manufacturer. Another would be in some other business--perfectly legitimate, but the question was always whether they would continue to operate it that way if things didn't go as they wished. [tape interrupted]

Fry: Later on, in the wake of all the Watergate spillover, a lot came out on the connections of various gambling networks, particularly emanating, as I remember it, from San Diego--it may have been other places too--stretching across to Chicago and then down into Miami. I wondered if you knew anything about that.

Mosk: I honestly don't believe there was any organized gambling in California. I'm sure there are bookmakers here and there, and perhaps the cop on the beat might be paid to look the other way while somebody took bets from the back of a cigar store, but as to big, organized gambling, I was always convinced that it just didn't exist in California.

Every once in a while a bad apple would show up. I remember a sheriff was elected in, I think, Contra Costa County, and we got wind that his campaign chairman was about to open up a gambling place. As attorney general, I just raided it and closed it down. The sheriff was furious with me for not going through his office, but I didn't want to go through his office because I knew the man had a connection with him. So those kinds of things would pop up.

Mosk: We had a little problem one time with the chief of police of Fresno too. He was an awfully nice fellow named Morton, and I liked him. But he was allowing a few places to operate in his community. So agents of our Department of Justice closed those down. But these were really penny-ante things.

Fry: What do you do--as I recall this--with somebody who does not have an organization in California, but he himself has connections with a syndicate center in Chicago and puts his money there and gets it back, but the actual gambling operation itself is handled in Chicago?

Mosk: If it's interstate only the feds could do anything about that.

Fry: The relationship of the attorney general's office to local enforcement agencies is always an interesting question because the attorney general has some discretion there.

Mosk: Yes. We can, of course, take over if a local law enforcement officer asks us to, or if we think we should, as in those instances in Contra Costa County and Fresno County where we stepped in without any invitation from local law enforcement.

Fry: That was also the beginning of the period where law enforcement began to have to deal with political violence. I'm not sure this was in your tenure as attorney general, but there was a police attack on the Muslims in their place in Los Angeles where a number of Muslims were killed.

Mosk: That was later.

Fry: Did you ever have to go in because the police themselves misbehaved, not because police ignored criminal activity going on, but because they overreacted to it?

Mosk: I don't recall any such instance.

National Chairmen and National Committeemen

Fry: You mentioned that when you were national committeeman Henry Jackson was national chairman and a good friend of yours. I think he replaced Paul Butler. Paul Butler's downfall in the history books came because he had set up a policy committee of his own which more or less side-stepped the Democratic delegation in Congress, and they were furious about it. He called it the Democratic National Advisory Council. What was your relationship to the congressional delegation? What did you have to do with them?

Mosk: Nothing really except to be as helpful as possible.

Fry: In what?

Mosk: In their campaigns. You have to deal with them rather delicately. They get sensitive if you go into their district to raise money for the statewide effort and it drains something from their campaigns. On the other hand, statewide, the money has to come from somewhere, so [laughs] it's always going to come from somebody's congressional district.

Fry: Would that be a conflict in '62, for instance, when you were running your own campaign and no doubt were having to gather your own funds? Was that what you meant?

Mosk: No, I don't think I had any serious problems in '62. My sources were generally friends, some of whom were not particularly politically active otherwise. Some were, but many of them were not-- social friends and personal friends and friends of friends. I went to the usual political sources too, but I didn't have any sense of conflict.

Fry: I'm a little bit vague on just what a national committeeman has to do to help--

Mosk: Well, it is vague. [laughs] There's no real rule. He goes to a national committee meeting periodically, along with other national committeemen and committeewomen. He's just kind of a titular leader of the party but doesn't have any firm responsibility to do anything except to be as useful as he can. It's an office that you can do as little or as much as you really want to.

Fry: Did you find Jackson more eager to use California's growing power than his successor, John M. Bailey?

Mosk: Jackson as chairman was somewhat a figurehead really. The Kennedys were running the show. The family was running the show, and Jackson was out in front as a good Protestant who would show that the party wasn't being taken over by the Vatican. [laughs] I think that was his primary function. He's a delightful fellow to work with, and I've always been very fond of him.

Fry: Bailey really did run the show?

Mosk: Bailey was more of an old-time political boss, not in an evil sense. I got along very well with John Bailey. I really kind of liked him. There was no pretense about him. To the victor belong the spoils, and he [laughs] was going to make sure of that. There's just no pretense otherwise, as far as he was concerned. That's the way he ran Connecticut, and he wanted to run the country the same way.

VI 1962 TO 1964

Mosk Decides Not to Run for U.S. Senate in 1964

Fry: I read in the newspapers that "the White House--I don't know who that is--wanted you to run for Senate instead of for attorney general.* Who wanted you to do that?

Mosk: That was the time Clair Engle became ill.

Fry: This was November, 1961, when this article came out. I think Engle became ill in '64.

Mosk: I never considered a Senate campaign in '62.

Fry: Then this newspaper story was really looking far ahead.

Mosk: Yes. But that story or a similar story appeared at the time Engle was ill, I'm quite sure. It was late '63 or early '64.

Fry: By that time, Johnson was president. Who did ask you to run for the Senate?

Mosk: It was the Kennedys, before the president's death. That word came from Bobby, I believe. In any event, at that point I had to make a decision whether to stay in the political arena or get out of it whenever an opening came on the state supreme court. I opted for the latter.

Fry: How were you so sure about the supreme court?

*San Francisco News-Call Bulletin, November, 1961.

Mosk: You can never be sure of anything, but I think there was some indication from Pat Brown that if there was no primary contest-- Pat favored Alan Cranston at the time, so he was trying to dissuade me from running--and I think there were some broad hints that some day in the near future there would be a vacancy on the supreme court and though no commitment was made he'd give me every consideration at the time.

This was '64, I'm pretty sure, or '63 in connection with the '64 campaign, because in '62 I had run for re-election. So had Pat. I'd just gone through a campaign, and I decided I didn't want to have to go out raising money again for another campaign.

Fry: You certainly were high in the polls in '64, as far as the Senate race. Early on, you were the leader.

Mosk: Yes, I think I could have won it. Nothing is ever certain, of course, but I think I could have won it if I had gotten into it. It turned out to be a disaster year, if you recall, because Pat supported Cranston, then Salinger got in the race, and Salinger defeated Cranston for the nomination. Then Salinger in turn lost to George Murphy in November.

Fry: This is kind of a crucial question because a number of people feel that if you had run, instead of Cranston, that you would have won the primary and the general election.

Mosk: Possibly, but Cranston was determined to stay in the race. He had the nucleus of a machine, his inheritance tax appraisers, who were all political appointees. He was geared up for the campaign, and I was not enthusiastic about getting into another campaign just two years after one statewide race. I don't think you can get into these things halfheartedly. You have to do it with enthusiasm or you're not going to get very far.

Mosk is Re-elected Attorney General, 1962

Fry: Why don't we go back to the '62 campaign.

Mosk: That was, of course, Nixon vs. Brown for governor. I was opposed by Tom Coakley, who was a superior court judge and a fairly able fellow. But all eyes were on Nixon, who was making his big comeback then. So it was a rough tough campaign.

Fry: Did your national committeemanship help you any in that campaign?

Mosk: Not particularly. Well, it did a little bit, I guess. I was able to get Harry Truman to come out from Independence for a dinner in my honor, a dinner to raise funds for my campaign.

Fry: How did you do that? That's quite a coup.

Mosk: Truman's closest associate was David Noyes, who was a long-time friend of mine. Through him the invitation was delivered. So Truman came out for my fiftieth birthday party in September, 1962. I was fifty years old that year. It was a delightful evening, I must say. Truman was in rare form, and we just packed the Fairmont Hotel at \$100 a head and made a good deal of my campaign chest right there.

Fry: One of Nixon's charges against Brown was the high crime rate and the rise in drug traffic and all this sort of thing in the state. I wondered if that splashed over to your campaign.

Mosk: Yes, somewhat. Coakley used the same sort of arguments against me. But I don't think you can persuade people that any one person is responsible for a crime wave. I was able to get the support of all of the sheriffs and most of the district attorneys of the state. In fact, I had a first-rate campaign committee of local sheriffs and district attorneys who apparently had been satisfied with the cooperation our office gave them during my four years as attorney general.

Anti-Communism and the Van Dieman Files

Fry: That campaign had left behind some interesting anti-Communist literature, the Karl Prussion publications.* [laughs] I brought you one.

Mosk: Yes. I still have one of these sitting around somewhere.

Fry: [reading] "The California Dynasty of Communism."

Mosk: Yes, for CDC. Here's Pat Brown with Harry Bridges, who of course is a registered Republican. [laughs]

Fry: Yes, and Benjamin Bufano. [laughs]

*Karl Prussion, "California Dynasty of Communism," Heads Up series, Vol. II, Nos. 12, 2, & 3, 1962.

Mosk: I don't know whether Benny Bufano was a--he might have been a Communist. I don't know. But certainly he wasn't a political activist at all.

Fry: Mainly a sculptor.

Mosk: That's right.

Fry: Did you have to do anything about that?

Mosk: Those were just annoying. I think even respectable Republican opposition wouldn't use that kind of thing. There's another fellow, named Frederick Schwarz, who was running around at that time.

Fry: The California Christian Anti-Communist Crusade?

Mosk: Yes. I exposed him, and he was furious at me. I developed how much money he was making out of his crusade. I forgot how I did that, but I pieced it all together and found out how much money he was raking in, responsible to nobody for its expenditure. It was a fortune that he was making out of this anti-Communist crusade of his. I revealed that, and he took after me thereafter at every opportunity. [laughs]

Fry: There went Orange County again.

Mosk: Yes. [laughter]

##

Fry: The state swooped down and picked up the San Diego files on subversives--let me try to summarize the news items and references. The files were created originally by a Ralph Van Dieman who had retired from military intelligence in 1929.* He moved to San Diego and apparently started keeping files on private citizens. Then in 1950--the FBI at that time had a policy of encouraging citizen volunteer informants, so that encouraged him more. Then the adjutant general of California established miniature intelligence units within the Defense and Security Corps. In 1952, that corps became part of the California National Guard. Three national guard officers formed the San Diego Research Library, which had a secretary. They moved these records to the National Guard armory in 1952. Then in December, 1961, the counterintelligence corps of the National Guard reserve was inactivated, and the files went to the San Diego Research Library and were put under private control. It was estimated they

*The New York Times, September 7, 1971.

Fry: had as many as 250,000 file cards. That was according to the San Diego Union, which was supporting this whole thing. The book that I found this in said that Governors Warren, Knight, and Pat Brown referred to these files when making appointments and whatever else they needed.* Senator Hugo Fisher was attacked in his '58 election on the basis of them, by Fred Kraft in San Diego.

Adjutant General Roderick Hill later said the files "are a hazard and a liability." They became an embarrassment--or there were fears the files would become an embarrassment in the '62 election. Hill went to the National Guard armory, ordered their removal, sent them to Sacramento, and then it hit the fan. The San Diego Union and the others said the files were private. There were months of denunciations over the state seizure, and court cases and judicial decisions. There was a suit against Pat Brown and against Adjutant General Hill and other officials, one of whom may have been you. The issue got mired in the politics of the '62 election. It was finally removed from the campaign in July 1962 by returning the files to the San Diego Research Library.

Now, on the basis of that monologue [laughs], could you tell me how you fitted into all that? What happened to the files?

Mosk: My recollection of that is somewhat hazy. I believe I had something tangentially to do with it. I would guess, in piecing it together from what you've just related, that Adjutant General Hill probably contacted our office and said, "I've got all these things. What can I do with them?"

If he had asked us that--and I think he did--we would probably have said, "If it's on state property, then it belongs to the state. Do with it what you will." So he moved all the material out of the armory and moved it up, I guess, to Sacramento.

After all the furor arose and lawsuits were filed, I believe we helped work out a settlement whereby we said, "All right, you can have your old files back"--whoever it was that demanded them--"but you have no right to store them on state property. Keep them off the state property. If this belongs to you, okay, you can have it, but you have no right to store it in the armory which belongs to the state of California." They were using state facilities free of charge, as I recall.

*Joan M. Jensen, The Price of Vigilance (Rand McNally, 1968), p. 302.

Fry: Apparently. My final note is that there was a \$250,000 damages suit that appealed to a higher court "after Mosk lost in lower court." Does that mean your attorney general's office was defending that action? Were you a party in the suit?

Mosk: I don't remember that I was. It could be. I've never paid anybody \$250,000. [Laughter]

Fry: That's for sure. It was probably dropped.

Mosk: There's no judgment against me personally. Now, Senator Fisher was involved in that somehow, and I think Jim Mills was, too, but I don't remember exactly how.

Fry: Fisher wanted them removed because he didn't want to have it dragged in the campaign against him, I guess, or against anyone else.

Mosk: Yes. But the key to it was that they were using state facilities without permission of the state. These were some of these gung-ho military types who were keeping these records and apparently getting paid for information that they were compiling. If you wanted to know if somebody that you were about to hire had any Communist connections, you couldn't get that information from the FBI, but you could get it from this private outfit. You'd pay them for that service.

Fry: And that's not unconstitutional?

Mosk: No, they can do that. You and I can form an information group if we want to. The law is a little different today. You'd run into problems about invasion of right of privacy and a few other things because the right of privacy is now written into the California constitution. It was not then. There was no established right of privacy at that time.

Fry: So you didn't have that recourse.

Mosk: No. The only thing we were concerned with was the use of state facilities for private purposes. That, they had no right to do. But on the other hand, the cards were theirs. The material was theirs, so they got it back ultimately. But I think their usefulness was at an end after that.

More on the 1964 Senatorial Race

Fry: Did we cover everything that you did in the '64 campaign? Or did you campaign with Cranston or with Pierre Salinger? Of course, you had to rule on Salinger's eligibility for residence in California.

Mosk: Well, no, that wound up here in the supreme court, and he was found to be eligible. Oh, but as attorney general, I did hold that he was eligible to run.

I was active in the primary. I supported Salinger in the primary, but I was appointed to the state supreme court in September of '74, so I was out of everything before the November election.

Fry: Do you know why Salinger chose to come in?

Mosk: He just saw an opportunity, and it looked good to him.

Fry: Was there anyone here inside the state that encouraged him to come? Some people speculate that it was Unruh's doing.

Mosk: Salinger always said that it was a chance remark that I made that got him to think about it. I was attending a dinner in Washington sometime before the filing date. I think Salinger and I were seated together at the dinner table. He said something about his being interested in coming back to California and running for a congressional seat or some other office. "But," he said, "I don't think I'm eligible because the last year or so I've been voting in Virginia."

As I recall, I said, "I don't think that would disqualify you, Pierre. If you really want to run for an office, I don't think that you are disqualified because of two reasons. One, the qualifications in the state would not affect a federal office. Secondly, the important thing is your intent, and I assume it has always been your intent as a Californian to return to California. So I would have to guess that you would not be ineligible to run for Congress or some other office, as long as it's a federal office."

A week or two later Pierre called me from Washington. I was back in California then. He said, "Are you really pretty sure about what you told me then?"

I said, "Yes, I'm pretty sure about it as a lawyer." So he told me then that he was thinking about, not running for Congress, but running for the Senate. [laughter]

Fry: So you're the one who turned George Murphy [laughs] into a U.S. Senator.

Mosk: Could be.

Fry: What about Pat Brown appointing Salinger to the senator's seat right after the primary in August, to fill the vacancy early?

Mosk: I didn't have anything to do with that. Whether it was good or bad politically, I suppose, is debatable.

- Fry: Did you have anything to do with who followed you as committeeman?
- Mosk: No. That was Eugene Wyman. Pat Brown really picked Gene Wyman, I guess just as he had picked me before.
- Fry: The big battle was Warschaw vs. your co-committeeperson, Libby Smith [Gatov] at that time.
- Mosk: Yes.
- Fry: Were you supporting Warschaw, the Southern Californian?
- Mosk: No, I don't recall that I really got into that. But I was very fond of Libby Smith. I thought that it was best to have her because I was from Southern California and I thought the committeewoman ought to be from Northern California.
- Fry: Although the committeeman was about to be from Southern California then--
- Mosk: Yes.
- Fry: --Which was Warschaw's point.
- Mosk: Yes.
- Fry: Gene Wyman looked inevitable.
- Mosk: I'm a little afraid I have to--I've got people waiting out here.
- Fry: I certainly do thank you for giving all of this time to the project.
- Mosk: It's kind of fun to reminisce about these things.
- Fry: You will be getting this transcript to go over and review.
- Mosk: I probably will look inarticulate.
- Fry: We try to make them read the same way they sound.
- Mosk: I asked my secretary to make a photocopy of that Birch report. Let me see if she has it for you.*

*Howard H. Jewel to Governor Edmund G. Brown, Sr., report on John Birch Society, July 7, 1961.

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Justice Mosk, a believer in the goodness of people

By K. Connle Kang

"The judiciary," says California Supreme Court Justice Stanley Mosk, "is the glue that holds this society together."

As such, people should be encouraged to go to court to resolve their disputes, not to exacerbate them, he believes. "Some people look at the statistics and worry (that too many cases are clogging up the courts), but I don't think the task is insurmountable."

One top judge who has looked at the statistics, worried and is now going around the country warning that the judiciary will collapse under the unprecedented burden unless other means of dispute resolution are found, is U.S. Chief Justice Warren Burger.

"I don't share his pessimism at all," Justice Mosk said the other day in his State Building chambers.

"Justice Burger constantly says, 'Don't expect the courts to solve your problems,'" Mosk noted. "But solutions to conflict by the judiciary is the best safety valve in a democracy. The encouraging thing is that disputes do get to court, and not settled by force. As long as we can take the problem to the court, I suspect democracy will continue to work."

He said the workload at the California Supreme Court is heavy and growing — but he also thinks the court can handle it without an increase in its staff.

Stanley Mosk, 65, in a navy blazer, navy pants and white shirt, is a small man with a chiseled face who seems tall until you stand next to him. He looks 10 years younger than his age and is tanned and trim from playing tennis.

Mosk, who served as attorney general almost six years and thought seriously of running for governor, is probably the most visible member of the state supreme court.

Unlike the late Earl Warren, who stopped going to parties after he became U.S. chief justice, Mosk retains his circle of friends, keeps luncheon engagements and speaks out frequently. "I don't really feel inhibited by my job," he said. "I am not afraid to mix socially or discuss current events unless it's a particular case before the court."

It is Justice Mosk who wrote the now famous Bakke opinion, the 1976 ruling that sent proponents of affirmative action into a tizzy. That opinion, with only Justice Mathew Tobriner dissenting, declared unconstitutional a University of California program at the Davis medical school that guaranteed 16 of 100 admissions slots to minority students on the basis of race.

The Bakke case is now before the U.S. Supreme Court, which last month heard oral arguments.



Examiner Photo by John Gorman

Justice Mosk: 'The judiciary is the glue'

Not long ago, Justice Mosk discussed the Bakke case on an educational TV station, a rare thing for a Supreme Court justice. "They were interviewing public figures from various levels of government. Initially, when they approached me, my reaction was 'no.' Then they told me how Eric Severeid had interviewed (U.S. Supreme Court Justice) Hugo Black on an hour-long program, and said how that did more to acquaint people with the judicial process. If Hugo Black could do it, why couldn't I do it, they said. I enjoyed being in their company so I succumbed."

One thing led to another, and Justice Mosk found himself commenting on his own case. That's what happens when a reporter gets a foot in the door, "just like now," he said, smiling.

If the University of California had been guilty of past discrimination against minorities, the outcome of the case might have been different, Mosk said.

But there was no evidence that minorities have been discriminated against at the University of California, he said.

Asked why supreme court justices so seldom talk to reporters, Mosk said that, unfortunately, what piques press interest are specific rulings. "The usual question is about a case. What we say in the decision is said very consciously. That's why we say the decision speaks for itself."

As a child growing up in Rockford, Ill. — one of two sons of a men's clothing store owner — Mosk wanted to be a newspaperman. So, while still in high school he worked on the Rockford Morning Star. He abandoned his dream quickly, however, when he learned that his hero — the sports editor of the paper — was earning \$25 a week.

Mosk received both his bachelor's and law degrees at the University of Chicago. Moving to California, he passed the bar in 1935, met and married Canadian-born Edna Mitchell and settled in Los Angeles.

An avid reader, Justice Mosk is familiar with authors ranging from Albert Camus to Kenneth Galbraith to local writer Herbert Gold. Camus' short stories, "Exile and the Kingdom" have particularly touched him, he said.

"I wish I could have read them in French," he said. "Even translated, his character studies are vivid." So impressed was he with Camus' thoughts, he once worked "The Myth of Sisyphus" into a court opinion.

Mosk also travels a great deal and loves the theater and sports, especially tennis. "All of them are escapes," he said, smiling. "I'm taking out all my aggressions on the tennis court."

Asked whether his job, after 13 years, gets boring, he said: "I look forward to coming to work every day. Each case is different. Each case has a new problem, a new concept."

Bakke is certainly one of his more important and controversial opinions, he conceded. But Justice Mosk thinks his most significant contribution on the court has been his participation in establishing the trend of relying on the California Constitution for the preservation of individual rights, rather than the U.S. Constitution.

Justice Mosk agrees that the California Supreme Court has been in the forefront of judicial change.

"The court has been a step ahead of society in pointing the way to solving its problems," Justice Mosk said. The death penalty decision, for instance, came long before the U.S. Supreme Court decision.

As the interview neared an end, Justice Mosk was asked what his philosophy was. "I don't have a definable philosophy," he said, "other than that life is good — people are basically good. I think, given equal information and opportunity, people will inevitably do the right thing. I guess I have an innate optimism. Even on a trip, I only remember the nice, pleasant things."

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Lieutenant Governor Harold J. Powers

Regional Oral History Office
The Bancroft Library

University of California
Berkeley, California

Governmental History Documentation Project
Goodwin Knight/Edmund Brown, Sr. Era

Harold J. Powers

ON PROMINENT ISSUES, THE REPUBLICAN PARTY,
AND POLITICAL CAMPAIGNS: A VETERAN REPUBLICAN
VIEWS THE GOODWIN KNIGHT ERA

An Interview Conducted by
James H. Rowland
in 1978

October 17, 1996

Harold Powers, Held No. 2 State Office

Cedarville, Modoc County

Former Lieutenant Governor Harold J. "Butch" Powers, a 20-year veteran of the state Senate who organized fellow Republicans to defeat Richard Nixon's 1962 gubernatorial bid, died yesterday of pneumonia. He was 96.

Mr. Powers, a Modoc County rancher and the son of a former state lawmaker, was lieutenant governor from 1953 to 1958.

He was born Oct. 8, 1900, in Eagleville and attended local schools. He went to agricultural school at what is now the University of California at Davis, and in 1925 he became a Senate clerk.

In 1933, he ran for the Senate, serving from 1934 to 1953, and he eventually became Senate president pro tem, the upper house's most powerful member.

He was a familiar figure in the Capitol with his boots and cowboy hat, and he owned working ranches in California, Nevada and Idaho.

In 1953, he was elevated to the lieutenant governor's office when the then-lieutenant governor, Goodwin Knight, succeeded Earl Warren, who resigned as governor after President Eisenhower named him chief justice of the United States.



Powers

In 1954, Mr. Powers ran for election for lieutenant governor, defeating then-Assembly Speaker James Silliman and former Lieutenant Governor Frederick Hauser. He lost his 1958 re-election bid to Glenn Anderson.

He later opposed Nixon's try for the governorship and led a group of Republicans supporting Democrat Edmund G. "Pat" Brown. Brown, who was re-elected in 1962, later appointed Mr. Powers to head the Department of Professional and Vocational Standards, the precursor to the present-day Department of Consumer Affairs.

Mr. Powers also served as president of the California State Fair board.

He is survived by his daughter, Jane Baker of Alturas, son Jack Powers of Glens Ferry, Idaho, and four grandchildren.

His wife of 61 years, Marie, died in March.

Services will be held Saturday at the Community Church of Cedarville.

Associated Press

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INTERVIEW HISTORY

Harold J. "Butch" Powers was interviewed by the Regional Oral History Office for its Goodwin J. Knight-Edmund G. Brown, Sr. era segment of its Governmental History Documentation Project. His prominent position in the Republican party, his long tenure as senator and President pro tem, his elevation to lieutenant governor, and his campaign for state-wide office made him a key narrator in our documentation of the 1953-1966 period in state government.

Born to a pioneer California family, Powers was raised in the cattle country of Modoc County, California. Besides ranching, he was tutored in the fine art of politics by his father--a distinguished state senator in his own era. After studies at UC Berkeley and Davis, he entered the legislature as senate minute clerk in the mid-1920s. With name recognition in his home district, eight years of minute clerk experience in the senate and a vacancy in his district by way of the "federal plan" apportionment, he decided to run in 1932 for the senate in what became a twenty-year tenure. His affable interpersonal style coupled with his procedural acumen won him the top post as senate President pro tem in 1947, a post he held until his ascension as lieutenant governor. His moderate political philosophies clashed with the growing conservative mood of the Republican party during the 1950s. At the height of the lieutenant governor's political ambitions, Richard Nixon rallied conservative backing and financial resources to push Powers off the gubernatorial Republican primary in 1962. Embittered but not a party bolter, Powers retained his party affiliation and campaigned for Democrat Pat Brown in his successful struggle to remain governor of the Golden State in 1962. He was shortly thereafter appointed by Governor Brown as director of the Department of Professional and Vocational Standards in 1963. He retired as director in 1966.

I first met Lieutenant Governor Powers in November, 1978, at his spacious ranch in Elk Grove, California, near Sacramento. From his rustic living room warmed by a roaring fireplace, we began the interview with a brief retracing of his family and personal history and then turned to a broad range of state political topics: a profile of Goodwin Knight, campaigning for lieutenant governor in 1954, the California Water Plan development under Knight, the liquor control controversy of 1954, relations with the third house, and his decisions while member of the State Lands Commission and in-fighting among California Republicans. Our second and final interview was also held in November, 1978, again at his ranch home. Under threatening skies and an occasional downpour, he continued the narration of intra-party feuding that encompassed the following topics: the Knowland-Knight "Big Switch" of 1958, the devisive right-to-work proposition of 1958, his losing campaign for a second term as lieutenant governor in 1958, his stumping for Nixon's presidential bid in 1960, and his bitter battle with Nixon for the Republican gubernatorial nomination in 1962.

After rough editing, the interview transcript was forwarded to Lieutenant Governor Powers for review. After nearly misplacing the transcript, he finally reviewed it after several months delay. Once reviewed, he promptly returned it to our office with few annotations or corrections. Before final typing the returned transcript, some cutting and pasting was necessary to delete repeated episodes.

Although at times redundant regarding specific episodes in the interviews, Powers has, nevertheless, given us a very candid narration of his role and involvement in California Republican party politics during the 1953-1966 period. His recollections of the Knowland-Knight "Big Switch" of 1958 should prove especially enlightening to students of political intrigue.

James H. Rowland
Interviewer/Editor

23 September 1980
Regional Oral History Office
486 The Bancroft Library
University of California, Berkeley

I PIONEER FAMILY HISTORY

[Interview I: November 15, 1978]##

Rowland: Do you have an idea of what our project is trying to do?

Powers: As I understand from your conversation on the phone the other day, it's to bring back the days of Goodwin Knight, when Goodwin Knight was governor and I was lieutenant governor.

Rowland: That's right. We're trying to chronicle the different legislation and events during the Goodwin Knight-Pat Brown years.

I'm particularly interested in you because you appear as a bridge, a person who has been in both parties. You spent many years in the Republican party and then went over to the Democrat side for a little bit in your later years.

Powers: Yes, I was a registered Republican when I was twenty-one years old. I think I've voted every year since, and I've never changed my registration from being a Republican. However, from certain problems that I had with the Republican party, I voted Democratic several times. However, in the main, I've always supported the Republican party, and I feel I'm a Republican.

Rowland: As you might have read from the topic letter I sent you, we have a certain format that we follow, because this is essentially your memoir. Historians and archivists who go over it will want to know a little bit about your childhood, family genealogy, and education, and the things that lead up to the main topics that we will be discussing today.

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes, see page 90.

Rowland: We usually start with no more than ten minutes about your childhood and family genealogy. Could you go back for us?

Powers: I was born and raised in Modoc County, California, born and raised on a ranch. My father had his ranch.

However, he was elected to the assembly. I think he was a state assemblyman in 1923, and in 1925 he became state senator. I was young in those days, and that's when I became interested in politics, more or less listening to my father and following his career as much as a young person could.

When he was elected to the senate, I believe about 1925--he was in the assembly in 1921 and 1923, and in the senate in '25--it was about the time I was getting through the University of California at Davis. I came over and was elected minute clerk of the senate. I happened to serve eight years as minute clerk of the senate. It was new to me and very interesting to me, and that's when I really became interested in the politics of California.

Then the time came in 1932-1933: I ran for the state senate. That was right after senate reapportionment, and I happened to be elected at that time. In those days they had cross-filing. You could file on the Democratic and Republican ticket both. I filed on both, and carried both nominations. You had to carry your own party, or you'd be disqualified, but if you carried your own party, and then got a majority of the votes of the Democrats, you were elected in the primary.

I was elected to the senate, I think six terms. The first four I had pretty stiff opposition, as I recall, on both the Democrat and the Republican ticket, but I was fortunate to win in the primaries all those times. But after I became President pro tem of the senate, I had who you'd call a free ride for a couple of terms. I was elected without opposition to the senate the last two times that I ran.

Rowland: Getting back to your family, do you have a pioneer background?

Powers: Yes, I do. My father was born at Jan Brook on Lake Tahoe on January 21, 1867. At that time my grandfather was running a butcher shop at Lake Tahoe. They were milling the timber at Lake Tahoe at that time, hauling it to the top of the mountains, at Incline, and fluming it down the other side, where it was hauled over to build Virginia City. Virginia City was built with the lumber out of the area of Lake Tahoe.

When the mills quit at Lake Tahoe, my father's family moved to Modoc County. The butcher business had died down. There wasn't any operation around Lake Tahoe then, except a few tourists,

Powers: I presume. The mill shut down so he moved to Modoc County, where he operated the butcher business up there, until going on the ranch.

Rowland: How large was your family? Were you the only child?

Powers: I'm the only child in my particular family.

Rowland: Did you have many relatives?

Powers: Yes, there was quite a large family on my father's side. He had two brothers, and they each had a family. My mother had three or four brothers and a sister. But my mother passed away when I was about thirteen years old, so I was raised right on the ranch with my father.

Rowland: Is there anything else that you remember from your childhood or your education that was particularly important to you?

Powers: No.

II MOVING INTO POLITICS

Elected pro tem of the Senate

Powers: As I say, I became interested in politics because you follow your family. My father was interested in politics, and he was elected to the assembly. He served in the assembly of California, served in the senate of California. Then I came down and became minute clerk, and I naturally grew up interested in politics. I still follow it, although I don't ever intend to be in politics again. But naturally, you've been in it for years, you follow it.

Rowland: You went to local schools?

Powers: I went to local schools. I graduated from the local high school in Cedarville, Modoc County, and then came down to the University of California at Davis. I spent some time down at Berkeley because for degree work you could go to both places in those days.

Rowland: Did you belong to any particular clubs or organizations?

Powers: Not particularly. I was never a great athlete, though I was always tempted to do some. I did some boxing, and I think I tried baseball, but I was never on the baseball team at the University of California. I was always interested in sports at that time, and still am.

Rowland: Any clubs like Demolay?

Powers: I belonged to the Iota fraternity over in Davis, which is now the SAE [Sigma Alpha Epsilon] fraternity. I guess that's about the only political affiliations I had at the University of California.

Rowland: Now, you were pro tem of the senate when Earl Warren was elected governor--

Powers: I was a member of the senate in 1933. I was sworn in as the youngest member of the senate on January 3, 1933. At the same time, the same hour practically, Bill Knowland was sworn in as the youngest member of the assembly on January 3, 1933.

Rowland: Did you have an early relationship with Knowland?

Powers: I knew him from those days, like you know members of the legislature. You know, you get casually acquainted with them. Then, afterwards, he came over to the senate, and I knew him real well when he served in the senate because with only forty members of the senate you get to know every member pretty well. He left the senate, I believe, at the time I was elected President pro tem of the senate in 1945.

I was elected seven times as President pro tem of the senate. In fact, I was never defeated because when Earl Warren was appointed a Supreme Court Justice of the United States, I automatically became lieutenant governor of California. It was practically two years before I ran for lieutenant governor, filling out Goodwin Knight's term as lieutenant governor.

Profile of Goodwin Knight

Rowland: We are trying to get a profile of the personality of Goodwin Knight. We've talked to Virginia Knight, his wife, and she's given us good background, but we need some more information about Goodwin Knight himself as a person. You undoubtedly had a good working relationship with him, but what kind of personal relationship did you have with him?

Powers: Governor Knight was a very personable individual. I remember him very well. He was a great Republican. He carried the banner of the Republican party for a number of years. I knew of him when I was in the senate, and even when I was President pro tem of the senate, because I was President pro tem prior to Goodwin Knight coming to Sacramento as lieutenant governor.

In those days, I remember he used to travel up and down the state for the Republican party, so he was really a dyed in the wool, good, sound Republican. He was a very likeable individual. He was a very fine individual to work with. He was a knowledgeable individual. He served on the bench of California as a Superior Court Judge in Los Angeles. He practised law. He'd graduated from the schools in Los Angeles, so he was very well acquainted with Los Angeles.

Powers: Goodwin Knight had this faculty: in those days Kyle Palmer was the political writer for the Los Angeles Times, and the Los Angeles Times in those days was very strong in politics. Their endorsement meant everything.

Rowland: They were owned by the Chandlers. Norman was publisher.

Powers: Yes. But in those days Norman Chandler was the head of it and Otis Chandler was in there, but not the head of the paper. But Kyle Palmer was the real political writer for the Los Angeles Times in those days, and Earl Behrens was for the San Francisco Chronicle.

A very prominent individual in the senate when I was in there was George J. Hatfield. Hatfield was one of the smartest individuals that I have ever come in contact with. He'd been a lawyer in San Francisco. He was a graduate of Stanford University, and he was lieutenant governor when I was state senator. Then, he ran for the governorship and was defeated. He was a very competent individual. He was very close to me, and Goodwin Knight was.

They figured that they had three newspapers in the state of California then that could control the primary election--

Rowland: Excuse me, when did George Hatfield run for lieutenant governor?

Powers: I've got to think who he ran with. He was elected lieutenant governor when I was in the senate, with Merriam. He and Merriam didn't get along. In those days the lieutenant governor and the governor hardly ever spoke, because the governor knew that his next competitor was going to be the lieutenant governor. So I don't think Hatfield when he was lieutenant governor, and Merriam when he was governor, ever got along. But then Merriam beat him for governor of California, and he was elected to the senate. So I served with Hatfield in the senate.

We figured in those days, when you had cross-filing, that the three papers in California, The Oakland Tribune, The San Francisco Chronicle, and the Los Angeles Times could control a state wide election on the Republican party. They couldn't control it in the general election, but those three papers always endorsed together, and their endorsement in the primaries was pretty near equivalent to election on the Republican ticket. That changed very quickly. That changed when I was in there, as far as that goes.

Rowland: The Sacramento Bee wasn't important?

Powers: No, The Sacramento Bee was on the Democratic side, definitely. But in those days those three papers controlled the Republican nomination in a state wide election.

Powers: However, Governor Hatfield was defeated for governor, and then he was elected to the senate. But Knight always figured this--I think he always considered that he had to have the Los Angeles Times endorsement to be elected. He was a strong Republican. The Times in those days was a much different paper. I think their philosophy was a little different than today. They were a strongly Republican paper, and he figured that he had to have that endorsement to be elected. He'd always had it when he was elected, and he had it when he was elected governor.

When he ran for governor of California and I ran for lieutenant governor, Goodwin Knight made the statement many times that he wouldn't endorse anybody for lieutenant governor, that they'd have to win the nomination themselves. So when I ran for lieutenant governor I wasn't allowed to put my campaign literature in any of his headquarters--

Rowland: You are talking about 1954?

Powers: Yes. He wouldn't let me put my campaign literature in his headquarters, and I consequently didn't let him put his in my headquarters. We ran absolutely independent in those days. And we were both elected that particular time.

Rowland: We have a picture from Virginia Knight that Governor Knight was a very ambitious politician, a very astute politician, who did have ambitions for the presidency.

Powers: I think he had ambitions for the presidency. I recall this, years ago. If you go back to some time when Helen Gahagan Douglas ran for United States Senate, and when Nixon came into the picture--he beat Helen Gahagan Douglas, you'll recall. I'm satisfied, at that time, in my opinion--and I'm sure it could be verified--that Lieutenant Governor Knight could have run for the United States Senate at that time with the endorsement of the Republican party over Nixon. He was a very prominent, well-liked lieutenant governor of California, and very well known in California--better known, by far, state-wide than Nixon.

Rowland: In 1950, you mean?

Powers: Yes, and he could have run. But he chose to run for the governorship. He said, "I would rather be governor of California," so at that time he chose the governorship over the United States Senatorship. In my mind there is no question about that.

Rowland: The chronology--you're talking about when Nixon became vice-president, and left the position vacant.

Powers: No, no. When Nixon ran for the Senate, the first time. Not when he ran for vice-president. This is when he ran for the Senate. He was a congressman, and he had that deal that convicted Alger Hiss.* He'd been very successful in convicting Alger Hiss, so he ran for the United States Senate. But I think the Republican party would have gone on record as supporting Knight over Nixon, had Knight chosen to run at that time, which he didn't do.

Rowland: Who were some of Governor's Knight's biggest supporters, in terms of financial support and campaign assistance?

Powers: Of course, the Los Angeles Times is number one. Then I think the Republican hierarchy--the main people in the Republican party--I think were his supporters. I would imagine you had Salvatori.

Rowland: Salvatori?

Powers: Yes, Henry and Grace Salvatori in the south. I think you'd find that all the financial power in the Republican party was at one time behind Goodwin Knight.

He did make quite a study of politics. Goodwin was quite an astute politician, and he was a pretty good governor, as far as I'm concerned. I think he was a very good governor.

Rowland: Now in that '54--

Powers: We've probably got this mixed around a little bit.

Rowland: Yes. [laughter]

Powers: And it's my fault.

Rowland: You said first that it was the Los Angeles Times that gave the first, biggest endorsement. They didn't provide any financial support?

*In 1950, Alger Hiss, former State Department official, was convicted of perjury in a hearing before the U.S. House Un-American Activities Committee [HUAC]. Hiss was accused of passing classified State Department papers to Communist sources. Nixon, a member of HUAC, revealed evidence that ultimately convicted Hiss of perjury.

Powers: No, I wouldn't say that the Chandlers provided any financial support, but by their paper's endorsement, I think that bigwigs of the Republican party automatically followed their endorsement. I'm sure that the big powers--you could name them in Los Angeles County--I can't recall too many names--

Rowland: You said Salvatori--

Powers: I think Henry and Grace Salvatori naturally would be great supporters. I think they've been great supporters of every Republican. I think that in San Francisco, the Republican heads there were financial supporters of Knight. The Crockers, all of them I'm sure, were financial supporters. George Sullivan represented the Crocker people at that time in San Francisco, and I'm sure he was a financial supporter of Knight.

III CAMPAIGNING FOR LIEUTENANT GOVERNOR: 1954

Competing with Silliman and Houser in the Primary

Rowland: Moving to the 1954 campaign, which we are interested in--I think it's still on record as the most expensive campaign for any candidate, and I think that Governor Knight spent over one million dollars, just in the primary, trying to get both party's elections because of the cross-filing peculiarities. Why did Goodwin Knight spend that much money? Did he run in fear of Richard Graves?

Powers: I think that a Republican running at that time would naturally run a little bit in fear, because the Democratic registration was so predominantly strong in California. We knew we had many more Democrats than we had Republicans, and I think that everybody that was on the Republican ticket realized that. In order to be elected to any office at that particular time, if you were a Republican, you had to not only carry your own party, but you had to carry a substantial number of Democrats; that Goodwin Knight did in his election for governor.

Rowland: There were some preliminary battles with the Nixon forces in the 1954 campaign, were there not? There was a battle over who would become vice chairman of the Republican State Central Committee. Were you cognizant of that?

Powers: I don't think I got mixed up too much in those things. No, I didn't. I've really kind of forgotten.

Murray Chotiner was the right hand man for Dick Nixon, and Murray Chotiner was a very clever individual. He attended all the Republican meetings that I went to. He handled the political set-up, as far as I'm concerned, pretty near entirely, as far as party politics was concerned, for Nixon.



HAROLD J. POWERS

Taken in Victorville in San Bernardino County during 1954 campaign for Lieutenant Governor.

Powers: Governor Knight received the endorsement of the Republican Assembly when he ran at that time. I didn't; my opponents received the endorsement of the Republican Assembly.

Rowland: Your opponents--that is, Silliman and Houser?

Powers: Yes. Houser won it in a big fight that we had in Bakersfield. In the other Republican Assemblies up and down the state, I think Silliman had the endorsement of more than I had. But in the election, I beat Silliman. I beat Houser in every county of the state, and I beat Silliman in every county except Monterey County.

Rowland: Silliman had the CRA [California Republican Assembly] endorsement?

Powers: Yes, he did.

Rowland: Was that CRA endorsement primarily part of the Nixon-Chotiner efforts?

Powers: I think that at the big meeting at Bakersfield, that Houser got it. Houser won that.

Rowland: Houser won the Los Angeles CRA?

Powers: Yes, I think so.

Rowland: The CRA endorsement for Silliman came from the north, then?

Powers: Yes, that's right. Silliman thought he'd win it in Los Angeles, but I'm sure Houser got that one. That was in Bakersfield. It was in Los Angeles, but it was in Bakersfield.

Rowland: Who else supported Houser for the lieutenant governor campaign? Did the Los Angeles Times?

Powers: Yes, the Los Angeles Times was for Houser, that's right. Houser had been lieutenant governor of California, and he was a Superior Court judge in Los Angeles at the time he ran. But he had formerly been lieutenant governor of California. His father had been on the appellate bench in Los Angeles, so he was pretty well liked in Los Angeles, there's no question about that. I beat him in Los Angeles County, but I did it merely by hard work.

Rowland: How did you do that hard work? Who were your supporters?

Powers: [laughter] I think I attended every Farm Bureau meeting in Los Angeles County, and I campaigned really hard in Los Angeles County. Then, we had quite a peculiar set-up at that time in Palm Springs.

Rowland: Did you have a campaign firm, and a campaign manager?

Powers: No. I had some people working with me. McFarland, I guess was his name, in Los Angeles helped me some. I had a man or two helping me, but not much, no.

I had lost the endorsement of the Republican State Assembly in Bakersfield. Ron Button was a very important member of the Republican Assembly, I think he might have been president of it at this particular time.

When I was going through Palm Springs on my way to Brawley, to make a speech to the Young Republicans of Brawley, in Imperial County, they informed me in Palm Springs that the President of the United States, the Honorable Dwight Eisenhower, would be in that afternoon. They said, "You ought to stay here because it would give you some good publicity, your name isn't very well known around here." So I said I'd be very pleased to stay, I thought I would stay.

When I got over to the airport, I found that Ron Button and Silliman were over there and Governor Knight was over there. I found that the officials to meet the President were some officials of the Republican party of California, and Silliman, who was candidate for lieutenant governor of California, and Ron Button, and Governor Knight. I was not mentioned. So I had to stand back in the crowd with the rest of the people and watch the President come in. I suppose I was as close to him as those other people, but I didn't get the pictures and I didn't get the publicity of it.

The publicity I received was adverse publicity. Carl Greenberg, who was working for the Los Angeles Examiner at that time, called me and asked me if something was wrong with me because I didn't get out to meet the President. I told him no, I just wasn't allowed to meet the President, that Silliman was selected to meet the President of the United States, along with the Governor of California.

Rowland: Where did you get your financial support?

Powers: You have to remember that I was elected lieutenant governor on about \$75 thousand. I collected that in different areas. I don't think any one person put up any great amount of money. I'm sure they didn't.

Rowland: Was it mostly northern California--

Powers: No, I got just as much money from the south, I think. I did have better support in northern California, and San Francisco, than I had down there, financially.

##

Powers: A lot of cattlemen put up a little money for me. I think the livestock industry statewide contributed some, and the farming people up and down the state contributed some.

I think one thing that helped me tremendously, I will have to say --you must remember that I'd been President pro tem of the senate for seven years. As President pro tem of the senate, I think practically every senator, whether he's Democrat or Republican, supported me. If he didn't support me, he didn't work against me.

Even though Silliman was Speaker of the assembly, I had a number of Republican assemblymen that supported me.

Rowland: How did you get that support?

Powers: Just by personal friendship, I think. Personal contact, knowing them. Knight was very careful not to make any favortisms or endorsements.

Rowland: Not to make any favorites?

Powers: He didn't favor me. He didn't do anything against me, don't get me wrong on that, but he didn't do anything for me.

Rowland: Why did he do that?

Powers: Because I don't think he wanted to be termed as being one way or the other in the primary election. When we had two Republicans running I think he wanted to be absolutely neutral. In fact, he made that statement.

Rowland: Did he not want to alienate southern California support?

Powers: I don't know, I couldn't say what his thought was, but that's what he did. In the general election he still didn't support me. He didn't do anything against me, but he didn't do anything for me.

Rowland: Did that lap over in any sort of personal way between you?

Powers: No, I let him run his campaign and I ran mine. We ended up the very best of friends. He worked with me fine when he was governor and I was lieutenant governor. As far as the governor's office was concerned, I worked with him wonderful.

He gave me a lot of, I might say, notoriety when I was lieutenant governor. He gave me a lot of privileges. For instance, I attended the Western Governor's convention in

Powers: Colorado Springs, representing California in his place. He loaned me the state airplane--it was known as the Grizzly at that time--to go to the convention and represent California. So he was very friendly with me, and very fair to me, but in the campaign he was very neutral.

Rowland: Now if the Los Angeles Times supported Houser, and you won Los Angeles in the election, did that cause any friction between the LA Times and yourself?

Powers: No, I don't think so, because the Los Angeles Times when I was defeated in 1958 supported me.

Rowland: In the general election--

Powers: Yes.

Rowland: Why did they not support you? Did they just favor Houser, or did they have some questions about your record?

Powers: I guess they just naturally favored Houser. I couldn't tell you why they did. I very much appreciated their support, and tried to get it, but they supported Houser.

But I beat him, I beat him in Los Angeles County. In fact, I beat Houser in every county except Monterey.

Facing Roybal in the General Election

Rowland: Turning to the general election, you ran against Edward Roybal. What were the main issues of that general election with Roybal?

Powers: I don't think there was any main issue, as I recall that general election. Roybal was a Democrat, and probably very well thought of by the Mexican people of Los Angeles. In fact, he was very well thought of by the Democratic party in Los Angeles County. When I campaigned for the lieutenant governorship. I don't think I mentioned his name. I just campaigned on my own record.

Rowland: Did you get the full support of the CRA in the general election?

Powers: I would imagine, yes. I would think yes, I did.

Rowland: There was no friction against you in the CRA.

Powers: No, not to carry on that way. I just ran my own campaign and worked as hard as I could. My friends did about the same thing, so I don't think there was any.

Rowland: Turning back to Governor Knight--one thing that seems peculiar when anyone researches Governor Knight is that when he was lieutenant governor he appeared to be very conservative, particularly on the issue of loyalty oaths. During the 1949 loyalty oath controversy with the University of California he was in favor of the loyalty oath, and backed James Corley's suggestion of the oath. Then, when he became governor, he seemed to become more a progressive Republican, and became a labor supporter, and generally got the endorsement of labor in that period.

What kind of reflection or observation would you have on that change in ideology or persuasion in Governor Knight? Did you see that change in yourself?

Powers: I don't think I saw any change in myself, because I came into the senate with quite a lot of labor support. The Brotherhood of Railroad Trainmen were very strong in my district and I was very friendly with them. They were great supporters of mine, and I handled many bills for them in the legislature. In fact, while a registered Republican, I don't say that I always voted right straight down the Republican ticket. I believe in the Republican philosophy, and I follow it pretty well, but I think that I was probably more liberal-considered at that time than Knight.

But after Knight became candidate for governor, I think he became more liberal than I was. If I recall, he made the statement at Santa Barbara that he would support anything that the labor people wanted. That's when Neil Haggerty was head of the labor in California. I think Knight made the statement in Santa Barbara that he would support Haggerty one hundred percent. I don't think I ever made that statement.

Rowland: This is something that I picked out of the Sacramento Bee of February 1954. It reports a rumor that you were going to switch to the Democratic party. You had denied rumors of your intention to bolt to the Democratic party, and you said that these rumors were the work of political enemies. Who were your political enemies?

Powers: If I had political enemies, I think it was probably some of the big shots in the Republican party. I think I always carried the support of the rank and file Republicans, but I think some of the big shots of the Republican party--

Rowland: Who were those big shots?

Powers: I think Silliman, for instance, was one of my opponents, and I think Houser. I think they had more loyal, ranking friends in the Republican Assembly in California than I had, and in the Republican party.

Rowland: Was it maybe the work of Murray Chotiner, too?

Powers: I think Murray Chotiner had a great deal to do with it. However, Murray Chotiner was very fair with me. I didn't get along with Nixon. Murray Chotiner, well, you knew how you stood. He was for Nixon, and you expected him to be. I have no grievances with Murray Chotiner whatsoever, even though he was strong.

Rowland: There were two individuals that we briefly talked about that seem to have played a major role in the financing of Goodwin Knight's campaign. You might also be familiar with them, too. One was Howard Ahmanson, who was president of a savings and loan bank in California, who was the candidate for vice chairman of the Republican State Central Committee in 1954. He was opposed by Nixon's man, who was Roy Arbuthnot.

How did Howard Ahmanson work within the Goodie Knight campaign in 1954?

Powers: Howard Ahmanson had several savings and loan associations in Los Angeles County, and Howard Ahmanson had made a great deal of money. He was a very likeable individual. When I think of it--I talked about Henry and Grace Salvatori. They were great supporters of the Republican party. I think they supported me too, probably in the general election. But Ahmanson was a great supporter of Goodwin Knight, and naturally Knight wanted him as finance chairman of the Republican Central Committee. He naturally would want him for that, because I'm sure he was a great financial supporter of Knight.

Rowland: What do you know about Roy Arbuthnot?

Powers: I don't think Roy Arbuthnot was a great money raiser or a great financial supporter of Nixon, but he was a fine individual. There was a group of young people in Los Angeles County that supported Nixon. They travelled with him every place, worked hard for him, and Ray Arbuthnot was one of those eight or ten individuals. I can't recall all the names of the others. I knew them, too--I need time to think.

Rowland: We have a name that seems to be floating around in our name file, and that is a Colonel Fuller. Do you know that name?

Powers: No, that name doesn't ring a bell with me. I probably knew him at that time--

Rowland: He worked on the Goodwin Knight campaign in 1954.

Powers: I remember him, but what his authority was or what contribution he made, I couldn't say.

IV RECALLING ISSUES AND PERSONALITIES DURING THE KNIGHT YEARS

The California Water Plan

Rowland: Turning to the years when you were lieutenant governor, 1954 to 1958, we were wondering about the beginnings of the California Water Plan, and what Goodwin Knight did towards initiating the plan. I noted that Senator Richards from Los Angeles voted against the construction of the Oroville Dam Project in 1957. I wondered whether Goodwin Knight had sponsored that Oroville Dam Project and whether he was a supporter of water rights for Los Angeles County.

Powers: You mentioned Richard Richards, the state senator from Los Angeles. If you recall, Richard Richards was the state senator from Los Angeles County before the present reapportionment, and Los Angeles County had about thirty-four assemblymen at that time, and one state senator. That was Richard Richards. He had to handle more or less all the bills for all the Los Angeles delegation in the assembly, so he was really overworked. I remember we told him that we would give him all the help that he possibly could use as far as secretaries and the like was concerned. He was a very hard worker and a very competent individual. I think he was as competent a state senator as Los Angeles could ever have, or ever did have.

Rowland: Getting back to the California Water Plan, what did Goodwin Knight do for water in California?

Powers: If I recall right, and I could be mistaken, I think that Goodwin Knight supported the water plan. I'm surprised that Richard Richards didn't vote for it, because it must have been something political.

I supported the California Water Plan when I was in the legislature. It started years ago with the Central Valley Project. I remember supporting that. I'm surprised that Richards didn't. He must have had some reason--

Rowland: His reason was that he felt that the assembly bill creating the Oroville Dam Project had been chopped down to worthlessness by senate committees. His charge in the explanation of vote in the Senate Journal was that the senate was northern dominated, and was not giving sufficient water rights to southern California.

Powers: Well, there was a little friction--always has been--between northern and southern California. I suppose that would be Richards's objection to it.

But I'm sure that Governor Knight was for the water plan. I think the majority of the legislature ever since I've been in the legislature, for thirty years, was always in favor of a water plan, realizing that water was king. Without water in California, we'd all be sunk. Water is very important to all of California. Some people in the north used to be opposed to it because they said we'd be taking the northern California water and putting it all in southern California. There was a little jealousy.

As you know, the federal highway division is between the thirty-five northern and the fourteen southern for forty-eight states. In California, we get the county division between northern and southern California at the Tehachapis. But I think we all realize the importance of southern California, and I think if Richard Richards didn't support the project, he made a mistake. He should have supported it because water is more important to southern California than it is to northern California.

Rowland: Right, but I think he voted against it because he felt that southern California wasn't getting rights to the water that was being developed through the Oroville Dam Project.

Powers: That was probably right. You know there has always been a contention in the highway fund between the forty-five northern counties and the thirteen southern counties. The thirteen southern counties get sixty percent of the highway money and the northern counties get forty percent. So there's always been an argument between the north and the south, and I guess we always will have a little friction between the north and the south in California.

Liquor Control: Key Personalities

Rowland: Turning to another major topic, the liquor control controversy--do you recall the liquor control controversy of 1954? We haven't been able to pick up all the information we want on the liquor control problem under Goodwin Knight and how he remedied that.

Powers: I remember very well having a controversy over liquor. Of course, at that time, having served in the legislature, and my opponent serving in the legislature, he tried to accuse me of everything that he thought would be unpopular for me before the voters of the state. He accused me of supporting the liquor industry. You know liquor has always been an important factor in politics and to the people of the state. So he accused me of being--

I believe at that time the man who handled the liquor industry of California was Arthur Samish, who was a very noted lobbyist. He was supposed to have controlled the liquor industry of the state and supposed to have great influence with the legislature. I don't recall just what bills that they had, but I knew Samish. Of course I knew him, I think every member in the legislature at that time knew him. But I don't say knowing him that I supported his legislation. In fact, I think if I recall right, the legislation that he had I did not support.

I happened to be on the committee, and I don't know whether I voted for or against it, but I don't think I was on the committee at the time that the bill came up. Naturally, it was handled by the chairman of the committee, which was Senator Parkman from San Mateo County. Did he pass the bill or defeat it?

Rowland: They defeated the bill.

Powers: They defeated the bill. They just didn't have enough votes. It was not a close vote, it was a decided vote against the bill by the governmental efficiency committee. I was a member of the governmental efficiency committee.

Rowland: Turning again to the liquor control problem, it was Warren Olney and Paul Leake who rang the alarm bell on the Board of Equalization, on how they were abusing the machinery.

Powers: I knew Paul Leake, but you must remember this: when Earl Warren was governor and Dick Collins, a member of the Board of Equalization from northern California passed away, he called me down into his office and told me that he would give me the appointment for Board of Equalization. That was a good paying job, and it was an excellent job to have. I told him I'd take it, but in the time I

Powers: walked upstairs from his office I decided that I didn't want it because I might be able to be lieutenant governor some day. That was my ambition. So I called up and couldn't get a hold of him. I got his wife Nina, and told her to ask if she wouldn't please have the governor call me as soon as he came in, which he did that evening. I told him I didn't want the job, I didn't think I cared to be in the position, so after that he appointed Paul Leake, who was a very fine man. Paul Leake happened to be a Democrat, however, and I'm a Republican, but Paul was a very outstanding individual. He had been in the newspaper business.

Rowland: What about Warren Olney?

Powers: I've never actually known Warren Olney, except that I know this. He was a very powerful individual, and I think he was very powerful in Washington. I think he always stood for things that were right. I think Warren Olney was a very high class individual that supported proper legislation. I imagine he was a great personal friend of Earl Warren's, and I imagine that the relationship grew from Alameda County, where they both came from.

Rowland: Several final questions, one about the Weinberger committee and the problem with implementing the Weinberger committee's recommendations. Why weren't all of the Weinberger recommendations implemented in creating the ABC [Alcohol Beverage Control] initiative in 1954? What were your observations on the Weinberger recommendations?

Powers: I'll have to be frank with you, I don't exactly remember. I know Caspar Weinberger, and I know him pretty well, having served in the senate with him and followed his career afterwards. Caspar Weinberger is a very competent individual. But I was so busy with other things in those days that I don't know as I paid the attention I should have to the liquor industry. I wasn't involved in it, and I don't know that I could give you much information regarding Weinberger's recommendations or why they didn't pass. I just don't remember because I'm sure they didn't impress me much at the time even.

Rowland: What about Weinberger himself?

Powers: Caspar Weinberger is a very competent individual. I knew him in the legislature; I followed his career in Washington. I visited with him a long time in Sacramento about a year ago. I think that Weinberger is a very honorable individual. I think he only sponsored things that were right.

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Rowland: How did Weinberger fit in the with the Knowland-Nixon-Knight imbroglio of the mid-50s?

Powers: Well, that I can't say. I think that Caspar would have been a pretty strong Warren man, I'm sure. I imagine that he would lean pretty much towards Warren, as compared to Knight. I don't think there was too much love between Warren and Knight, naturally. I'd say that the law office that Weinberger was in in San Francisco is a very close law office with Earl Warren, and I just think that he would be on the liberal side of the Republican party.

Rowland: What was his relationship with Goodwin Knight as governor? Was it cordial?

Powers: I think that he had cordial relations, but I think he leaned a little bit towards Warren if there was a conflict between the two. His leaning would bend for Earl Warren.

Rowland: When we are talking about liquor, we are talking about lobbyists in the legislature, or legislative advocates. Art Samish, of course, was the biggest lobbyist in that period. How did Samish operate, particularly with the senate?

Powers: I was in the legislature for years, and Art Samish had a strong following in the legislature. I mean he had quite a lot of influence.

Art Samish operated differently than any lobbyist that I have ever known in Sacramento. In other words, he had some lieutenants working for him who came over and handled the bills, and Art talked to people on the side. To my knowledge, I never saw Art Samish appear before a committee in the assembly or the senate.

Rowland: Did you have a cordial relationship?

Powers: Yes, I had a cordial relationship, because he was a clerk in the assembly when my father was in the assembly. I think I met him as a youngster then, so I had a very cordial relationship with him. But he operated differently. I don't think I ever heard of Art Samish appearing before a senate or assembly committee in person.

Rowland: How would you rank Samish among the other lobbyists? Was he really the kingpin of the senate lobbyists?

Powers: He probably put out as much or more money in elections of the different legislators than anybody, and therefore I think he had as much or more control in the legislature than anybody.

Rowland: Because of his financing?

Powers: Because of his finances.

Rowland: The last topic that we'll cover in this interview will be the State Land Commission, which you were a member of.

Relations with the Third House

Rowland: One of the primary functions of the lands commission is the issuing of oil permits regarding drilling on tideland oil property. What was the nature of third house relations with the State Lands Commission?

Powers: I think that you'll find that the third house, as you call it, the oil lobby, the oil companies of California naturally would like to have all lands open to them for drilling. I said at that time, and I think now, that that should be restricted by the lands commission. In other words, I'm not opposed to offshore drilling in proper places, but I think we have certain beaches that we should protect in California and certain areas that we should protect.

I think you should leave it a little bit to the discretion. You can't just write it black and white of where they can go and where they can't go. You have to leave some to the discretion of the lands commission, and they are responsible to the governor and to the people of California. I think that they would regulate it properly. Certainly some offshore drilling would be proper in California, and certainly in some places offshore drilling would be improper in California.

Rowland: How did the commission operate?

Powers: We used to have stated meetings. We'd have our technical help there and we'd have members of the commission.

The oil companies--whether it was Shell Oil, Standard Oil, or what not--would come before us and say they wanted to drill in a certain area. We'd give them the restrictions that we were supposed to. We have technical people employed by the lands commission that gives them the regulations that they have to abide by.

We have offshore drilling that has been beneficial to California. So far as I've seen, I've never had any oil companies that have acted improperly. They've always come before us with a proper request and abided by our decisions in a proper manner.

Rowland: There was one decision regarding the increase of rates on the difference between proven and unproven oil fields. The Shell Act of 1955 said the state would get a certain percentage on proven oil

Rowland: fields, but it was a lower percentage for unproven oil fields, which would encourage what is called "wildcatting" on the tidelands regions. The state wanted to up the percentage for unproven oil fields, and this caused a real furor among the third house oil interests.

John Peirce was a member of that commission. The controller, the director of finance, and the lieutenant governor were the three men on the board. John Peirce abstained himself from any decision on that because he had worked for oil interests in the past.

What were the pressures on you, as an individual, to make a decision regarding the rate increase?

Powers: I didn't have any particular pressure put on me. I think when you are in the legislature as long as I was I think that people realize whether they can influence you with improper requests or not. As I recall it, I think all the requests from all the different oil companies were all legitimate and fair.

I knew many of the oil people. In fact, I served on the [University of California] Board of Regents at that time with Ed Pauley. He was quite an influential oil man and a driller. But I don't think he, or anybody else, ever put any undue pressure on me to allow them to drill. I think of John Peirce going off there because it would be a conflict of interest with him. He'd been close to oil companies, and I think that no matter how he voted, they'd say he was prejudiced one way or the other. But with me, I didn't have any problem with that at all. I don't think I favored the oil companies, or I don't think I voted against them in any way.

Rowland: One attack of the oil interests was that your commission was a dictatorial commission, in that it would be the final say as to regulating oil exploration in the state of California.

Powers: I don't know just exactly what you mean, but we usually discussed it amongst ourselves, and we voted as to whether we would allow or wouldn't allow certain regulations.

I will have to say this--we relied on our technical staff considerably. They were impartial, I'm sure, and they'd give us the complete rundown on just what the situation was.

Rowland: Were they any particular staff members that you found outstanding on the commission?

Powers: The head of our staff was a man with a lot of integrity, had served there, and I'm sure he knew his business. We relied a lot on his testimony. I don't recall his name now, although I knew him real well at the time.



At his desk in the State Capitol.



Legislative session at the old capitol,
Benecia, California, March 14, 1959.
Left to right: Knight, Hugh Burns [Senate pro Tem]
Powers, Luther "Abe" Lincoln [Assembly Speaker]



Photograph of Powers, Pat Hillings, Knight,
Vice president Nixon, and Senator Knowland
during 1958 campaign.
Photograph taken in Los Angeles.



Unveiling of Earl Warren portrait in
State Capitol in 1954.
Front row: Earl Warren, Powers
Back row: John Pierce [Director of Finance],
Earl Behrens, SF Chronicle reporter



Moves to Diminish the State Lands Commission

Rowland: There was a move by the legislature, which would appear on the surface to be a move initiated by the oil interests, to strip some of the powers of the commission.

Powers: Yes, and I think that would have been wrong. I think that you have to leave it to the discretion of certain people, and they are responsible to the governor and the state. I think the commission should have that power, and I think they do have it. I speak from having served on the commission.

Rowland: The reason that I sent you this listing of bills is because it appears that these three bills here [shows Powers list] were the bills that actually were stripping the SLC [State Lands Commission] of their powers--the Shell bills.

Powers: These are the Shell bills, and I suppose they might have been--

Joe Shell's father-in-law, Harold Morton, is the lawyer for the oil people in southern California, and probably as good an oil lawyer as you'd find in the United States. So I would think that Joe had a tendency to favor the oil people. But whether he had it all in these bills, and just how they'd worked it out, I'd have to go through them a little more. I'd say that Joe naturally was very favorable to the oil industry. That was his business. He represented the oil people, and he was very favorable to them.

Rowland: One thing that the Shell Act appeared to have done was to increase the wildcatting on tidelands. Is that true?

Powers: I'd imagine yes, because if you reduce the fee a little bit there's a little more encouragement for people to wildcat. Of course, now I think we probably should encourage it a little more at this time. [long pause, tape off temporarily while Powers reads information on the State Lands Commission]

Powers: I don't remember exactly all of this, but I know what we did at the time. At the time we were leasing these oil lands--

Rowland: In 1955?

Powers: Yes, in 1955. Then, the Kern County Land and Cattle Company had oil leases I think as great as the state of California had. Private industry has always been noted to handle things in a very proper way, and so I remember we asked our technicians to find just exactly how the Kern County Land and Cattle Company operated--in fact, everything concerning their leases. The State Lands Commission

Powers: wanted to copy them because they had been very successful. I'm sure they operated to the advantage of the Kern County Company, and we'd like to do the same thing for the state of California.

[tape off]

Offshore Drilling: The Santa Barbara Decision

Rowland: --Santa Barbara community is a wealthy and probably prestigious community. Some members of the community were probably involved in oil in some way, either directly or peripherally. But was the Santa Barbara community against leasing to oil interests off their shoreland?

Powers: I think that the Santa Barbara community was opposed to leasing for offshore drilling if it interfered with any of the beaches in the city limits, or near the city limits of Santa Barbara. As I recall, some of the best drilling was in northern Santa Barbara County, off of some land that belonged to Senator Hollister. Hollister's father had been a state senator, and he was a state senator, and I'm sure that a lot of that offshore drilling was up off of his land, which was I'd say forty miles north of the town of Santa Barbara.

Rowland: Did the town of Santa Barbara, or Santa Barbara County have a representative at the meeting? Were they trying to persuade your body?

Powers: I've forgotten, but I think they did. I think if they had we'd have paid a great deal of attention to him, because he would have represented a community.

As I've made the statement many times, I think that we should have a lot of knowledge about what these oil wells are going to do offshore, and we shouldn't interfere with any of the beaches of California that we are preserving and that are so valuable to the state. The oil leasing should be someplace where it doesn't interfere with the beaches of any city.

Rowland: Returning to the Shell legislation to exploit tidelands for oil, what was your opinion on that?

[tape on and off]

Powers: I remember when the oil bill came up it was very much discussed all over the state of California, because oil royalties are very important to all the people in California because they make such a contribution to the government of California. Oil is very important.

Powers: As I recall, the big companies were against it, and the small companies were all for it. My observations was that the small companies had an equal or better right than the big companies. I remember I supported the small companies, and I was for Joe Shell's oil bill, definitely.

Rowland: So this was really a battle between the millionaires and the billionaires?

Powers: That's right, it was the big oil companies against the little oil companies. It was commonly referred to as the billionaires against the millionaires because all oil people are usually people of some wealth.

Deciding on Tideland Oil Revenues

Rowland: Turning to the issue of tideland oil revenues, there was talk, when you were on the State Lands Commission, of instituting the tideland oil revenues into what was called the General Fund. (I think during the Earl Warren period it was called the Rainy Day Fund, and it became the General Fund under Goodwin Knight.)

Powers: Naturally, when you have a lot of money up for grabs for the state of California, every department would like to have it. I think the Beaches and Parks would like to have had it, and your recreation areas would all like to have had it. You have to use your own judgment on that. I think that Beaches and Parks should get a percentage of it, I think that recreation up and down the state should get a percentage, but I also firmly believe that a certain amount of it should go the General Fund where it helps everybody. I think I have so stated many times--part of that should go to the General Fund.

Rowland: Were there any safeguards that the General Fund would hold the money?

Powers: I think if it went to the General Fund it would be handled as the legislature saw fit to put it out, under the Department of Finance. If you recall back in those days, when we had a surplus--

Rowland: Well, the General Fund came under the Department of Finance and the legislature--

Powers: Yes, the General Fund was always under control of the legislature.

Rowland: That could become the abuse of pork barrel legislation.

Powers: It could be pork barrel, but I want to tell you this. If you'll recall back, we had just the opposite of what happened this year in the legislature. This year you found a great surplus of money in the legislature, and the legislature and the governor refused to do anything with it. That's why you had Proposition 13 by the people.

But if you go back to our days in the legislature, we had a surplus in the legislature at one time and we passed what we called the Christmas Tree Bill. It was called the Christmas Tree Bill because we allocated out to the cities and the counties of California all our surplus, and that's what should have been done this time. I think it would have been allocated better, with less confusion, and probably in a more legitimate way.

Rowland: Did you plan any budgets using the tideland oil revenues?

Powers: I don't recall as we did, no. I think we had certain funds to get the first whack at the money that would come from it. I think your Beaches and Parks, and your Recreation, and maybe some others, were to get the first amount of money, but not the entire amount. A big lot of it would go to the General Fund. It would be dispersed as the legislature and the governor saw fit. A surplus in government is always a very dangerous thing.

Rowland: This leads me to the topic of dealing with special interests. Every interviewee that I talk to, I try to get to rank the more efficient third house representatives, and what is the criteria for ranking third house representatives. How would you rate an effective third house representative?

Powers: My criteria for rating a third house representative is one who will appear before the legislature and before the committees and give you the absolute facts of how any particular bill happens to affect the industry he represents.

I can remember years ago when I first came into the legislature, I knew very little about insurance. They had a very prominent insurance lobbyist at that time named Frank Agnew. I remember going to Frank Agnew and asking him, "How does this bill affect you, and how would it affect me, and how would it affect my people?" And I've had him on several occasions say, "That's a very good bill for me, but it would be a very bad bill for your people because it does this, and does such and such a thing." So I think if a third house lobbyist wants to be absolutely honest that he will gain a lot of prestige in the legislature.

Powers: Of course, you can go any way. You can find lobbyists that are just lobbying for their own interests and have no regard for anything else, and probably don't tell you the true facts. But I think the high class lobbyist is a man that gives you the true facts, and I think they are very valuable to the legislature because they know their industry better than any legislator can know it. If they give you absolute facts about their business, it gives you a chance to legislate in a fair manner.

Rowland: Some legislators have said that they preferred a more personal lobbyist--one who gets to know you, and goes golfing with you--

Powers: No, I don't.

Rowland: Others prefer a more straight forward, lay-it-on-the-line, give me the facts type of lobbyist.

Powers: That's the type of lobbyist that I prefer, although naturally you see lobbyists that are honest and you like to associate with them. But I think a lobbyist to gain prestige in the legislature has to be absolutely honest. I think you have to be honest as a legislator also--

Rowland: I think a portrait of Jim Corley would be of a personal lobbyist.

Powers: That's right. I think we'd call Jim Corley in and ask him what a bill would do--Jim Corley represented the University of California--he'd tell you exactly why the University of California needed it and exactly what they would do with the money if they had it, and that's what you wanted to know. Then you could make the decision if that was proper or not.

Rowland: Did you prefer a lobbyist that was more personal?

Powers: I like a personal lobbyist, but I want one that's very truthful.

I think you have some lobbyists here [Sacramento] now that have been here for years that are very high class lobbyists. I think a lobbyist that isn't first class is weeded out sooner or later, because if the legislature becomes disgusted with him, he's not valuable to the people that he represents. He has to establish a sound reputation.

Rowland: One theory holds that there are two types of lobbyists: a senate lobbyist who works to preserve the status quo, and the assembly lobbyist, who works to initiate legislation. It was a rare single lobbyist who could work both houses.

Powers: You do find lobbyists that work both sides, and you find the lobbyists that get acquainted with senators and they figure on handling the bills mostly in the senate, more or less forgetting about them in the assembly. You find lobbyists both ways. You find lobbyists that do all their work in the assembly, and you find lobbyists that do all their work in the senate, and then you find lobbyists that do it both ways. That depends on the individual, and how he gets acquainted, and who his close friends might be in the legislature, and what his interests are. If the interests that he's got are better represented by a senator than they are by any assemblyman, then naturally he's on the senate side.

Rowland: Do you recall, during your period as lieutenant governor during the Goodwin Knight years, the more effective lobbyists? I'll throw out some names, like Al Shults--

Powers: Al Shults was very effective.

Rowland: Garibaldi--

Powers: Garibaldi was a very effective lobbyist. I think Garibaldi represents probably the liquor industry now, but I think he's a very honorable individual and I think he's a very truthful individual. He's an individual with plenty of experience, so I'm sure that Garibaldi would give you nothing but facts about any legislation he represented.

I think Shults is the same way with the oil industry. Shults followed a man by the name of Charlie Stevens. When I first came to the legislature Charlie Stevens was here. Charlie Stevens tended his own business. He just represented oil, and that was all. He established a great competence in the legislature, and I think Shults has accepted that and has followed Charlie Stevens' pattern pretty well. He'd got himself into a very high class lobbyist in California.

Rowland: Now about the more powerful lobby interests in the state--my research suggests that the most powerful lobby would be the horse track lobby. Next would probably be the PG&E [Pacific Gas and Electric] lobby, and then Pacific Telephone. Probably the fourth most powerful lobby was the CTA, the California Teacher's Association. How would you rank the lobbies?

Powers: I wouldn't rank it exactly that way.

Rowland: You had a smile on your face when I said horse track lobby--

Powers: I wouldn't say that the racing people were the number one lobbyists because they don't affect enough people. I think that your California Teacher's Association is a very strong lobby in California. I think

Powers: the people representing the agriculture represent a very strong lobby in California. By that I mean that it's a very important industry to California, and therefore it's got to be important to every legislator.

Rowland: The California Farm Bureau, you mean?

Powers: Yes.

Rowland: That's Allan Grant?

Powers: Yes. I don't think he was there when I was there.

You must remember that what's important to the people of California is important to the legislature of California.

Rowland: So how would you rank the three or four most powerful lobbyists, the most effective lobby interests in the state?

Powers: The most effective lobby interests--

Rowland: Would it be the horse track lobby, for instance?

Powers: I wouldn't say so. I would say oil would be a very effective lobby. Then, you've got to bring the CTA in there someplace.

Rowland: The CTA would be represented by Bob McKay?

Powers: I guess now, I don't know.

I think your lobby people in the legislature of California, if they weren't very honorable, they would soon be out. I think that they eliminate bum lobbyists just as fast as they eliminate bum legislators. Probably a little faster, because I'm sure that the people that they represent follow what they do closer than the people follow the actions of the legislator. Your lobbyist who has been in Sacramento for a good many years--and I could name a lot of them--have to be honorable people.

I know now, when I go back there, I know very few legislators, because they have changed, but I know quite a few lobbyists. They haven't changed them, although they have lots of new lobbyists. You still have some of the old ones. I think a lobbyist is duty-bound to conduct himself in a pretty high class manner to retain the respect that he has to have to represent his people properly.

Rowland: So he's more duty-bound, in a sense, than the legislator.

Powers: That's right. [laughter] Yes, he is. He's just as duty-bound, if he's successful, at all times.

Rowland: Did the role of lobbyists change when you were in office, even as lieutenant governor? Did you see the role of lobbyists change due to legislation?

Powers: Yes, I will have to say this. The role of lobbyists has changed to this extent, just as the representation has changed. For instance, when I was in the legislature the cow counties had a lot of power because they had a lot of representation in the senate. They didn't have the same representation now as in the assembly, but the cow counties were represented in the senate. Therefore, I think that the agriculture and the livestock industry was better represented in those days than it is now, because there were more legislators to uphold it.

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V FURTHER CAMPAIGNS AND INTRA-PARTY CONFLICTS

Warren and Nixon Forces Collide

- Rowland: The 1956 Presidential campaign and the battle for delegates to the Presidential campaign may have been the first stirrings of problems within the Republican party that eventually led to 1957 and the big switch between Knowland and Knight. There was what the press called "pre-fabricated harmony" between Knowland, Knight and Nixon over delegates to the Presidential convention, and the alleged ambitions of Governor Knight to become a presidential or vice presidential candidate and replace Richard Nixon at the national convention. What were your reflections on that?
- Powers: I was at the convention many times, but I was not a delegate to the 1956 convention because I was lieutenant governor, and Governor Knight wanted to be down at the convention all the time, so I stayed in Sacramento. I was down there once in a while, but I didn't go to the convention, because he wanted to go out of the state ahead of time for some reason or other, and come back. I was delegate to the three conventions before that, for twelve years. I went to Philadelphia, and to Chicago twice, but I was not a delegate to the San Francisco convention, although I was there a good many times during the convention.
- Rowland: Was this a continuation of the intra-party battle between Knight and Richard Nixon for control of the party?
- Powers: I imagine it was, yes.
[tape on and off]
- Rowland: Now, going back to the convention in 1954, or was it '52--
- Powers: I guess it was '52. The convention in Chicago was the convention that the Warren and the Nixon forces collided. I went back on the train to the national convention. I recall very well that Governor Warren had a special train out of here--we all paid our

Powers: own way, however. We got on the train here--it was Western Pacific--going to Chicago. We were all on the train except the United States Senator, Richard Nixon, and Pat Hillings, who was a congressman at that time.

We had a very pleasant trip out of California, across Nevada, and we got into Denver in the morning. I was having breakfast with Earl Warren and several people on the train, and when it stopped in Denver, Richard Nixon and Pat Hillings got on the train. They had been campaigning. He was campaigning more or less for Eisenhower at that time.

Rowland: Nixon was?

Powers: Nixon was, against Warren. It was very much a surprise, and I could see there was quite a bit of feeling between them. When we arrived in Chicago, we had a big delegation out there welcoming Nixon for Eisenhower. I think that started quite a bit of rivalry and quite a bit of feeling between Warren and Nixon.

Then Nixon ran for vice president; he was nominated with Eisenhower for vice president.

I remember Mr. Knowland on the train very much with me--that is, Joseph R. Knowland, Bill Knowland's father--telling us all the way out there, "I hope Bill don't accept that vice presidency, I hope Bill don't accept the vice presidency." Well, he didn't accept it, but whether that was the influence that he didn't get it, I don't know.

Anyway, when Nixon was nominated for vice president, I'm sure that it was not Warren's idea at all.

Rowland: That Nixon be vice president?

Powers: There was a little conflict of feeling there, quite a bit. I think it still exists. If Warren was alive I think it would still exist.

Rowland: But that overlapped into the 1956 national convention--

Powers: Yes, that overlapped then, but that's when it started, in 1952.

Rowland: So Goodwin Knight was carrying on that Earl Warren bipartisan spirit of the Republican party, the moderate wing of the Republican party?

Powers: I guess. Governor Knight didn't go to any of the conventions outside of the one in California, to my knowledge. I don't think he ever went to a national convention during my time outside of the one in California, and that's the one I didn't go to so he could be down there [San Francisco].

Powers: But I know that conflict. When Pat Hillings and Nixon got on the train at Denver. They had been campaigning--

Rowland: Pat Hillings?

Powers: Pat Hillings, Congressman. When we got in Chicago you had the big delegation out there for Eisenhower, when Warren was thinking of running for President. Warren was a candidate for President, that was the feeling. Nixon, in other words, was supporting Eisenhower over Earl Warren, and so was Hillings.

Rowland: I'm confused about the chronology. You're talking about 1956 now, even though Earl Warren was in the Supreme Court?

Powers: No, I'm talking about '52. Definitely.

Earl Warren wanted to run for President at that time, and we had the Warren delegation. We thought everybody in California was for Earl Warren, but Pat Hillings and Nixon apparently were not for Earl when they didn't get on the train here [Sacramento]. But they got on the train in Denver, and when we got into Chicago we had the Eisenhower delegation out to meet us. Eisenhower did win the nomination that time, but Warren was left out.

Rowland: How did the so called pre-fabricated harmony between Nixon and Knight occur in 1956? Do you recall that?

Powers: In 1956 Goodwin Knight, I'm sure, wanted to run--that was the last convention, that wasn't when he ran for Senate. Is that the one you mean?

Rowland: He was still governor of California, but he was hoping to either be the presidential candidate, if Ike was still too ill to run, or he would be a vice presidential candidate and kick Nixon off the ballot.

Powers: I think that Goodwin Knight probably had that ambition, but personally, I think he wanted to run for governor. I think he wanted to follow himself as governor very much.

The Big Switch

Powers: That's when they say the conflict came in there, because Knowland apparently was not running for United States Senate, where he'd been the minority leader. That's when everybody was wondering, "What's Knight going to do, what's Knight going to do?" I think

Powers: most of the people who were supporting him were hoping he'd run for governor. He'd run for governor and lieutenant governor, he'd been elected, and I think it was perfectly legitimate for him to run the second term for governor at that time. That would only be his second term at being elected. I thought he was going to run for governor, then all of a sudden we saw a switch.

I think the switch was brought about by the Los Angeles Times and supporters down there of Knowland, and probably of Nixon. I think that they both must have gone against Knight. So they forced Knight out of the governorship, in my opinion--

Rowland: What did they offer him?

Powers: They managed to have him run for the United States Senate. I think they switched him from governor to United States Senator.

Rowland: The main thing was switching Knight's strong financial backers too. How did they do that?

Powers: They switched the Los Angeles Times. The Times said that they would support him for the United States Senate, but they were going to support Knowland for governor.

I think Knowland wanted to run for governor, and I think he didn't want Knight to run against him.

Rowland: Did the Times want the right-to-work initiative passed?

Powers: No, they didn't want the right-to-work at that time. They were strong Republicans. I don't think the Times was ever for right-to-work. But they switched Knight to run for the United States Senate, contrary to his own desire it was thought up here [Sacramento].

I don't know who they were. I never had anything to do with any of the changes in this. They never consulted me at all. I was running for lieutenant governor, and wasn't going to run for anything else.

I remember going on the plane from here to Los Angeles, on the governor's plane. The Governor had one other plane over in Phoenix, Arizona. I don't know what he was over there [Phoenix] for, but I understood that he had a meeting with all the powers that be of the Republican party of California, the heads of it, I think.

Rowland: In Phoenix, Arizona?

Powers: In Phoenix, Arizona. I never knew who was over at the meeting, but I heard offhand that it was Knowland, and Nixon, and that group, and the leaders.

Rowland: Knowland and Nixon?

Powers: I would say that Nixon was there. I think Knowland was. I heard that. Now, that's hearsay, strictly hearsay, and I want it recorded as such.

Anyhow, they went over, and I went from here to Los Angeles with Knight's secretary, and he told me that's where they were. I was acting governor, and that's why he went down with me on the plane. Newt Stearns [Newton Stearns] was Knight's secretary. Newt Stearns was a former pilot in the Air Force, so he had a private plane from the governor's office, and he flew me to Los Angeles on official business. He told me that Knight was out of the state, that I was governor, and he was over in Arizona in a meeting. But what the meeting was I couldn't definitely say. What I told you is hearsay. But he had some official business.

It was after that meeting that he came back and decided to run for the United States Senate.

Rowland: Did he feel that he was defeated in a power struggle in the Republican party?

Powers: I would imagine. That's what I figured--he was defeated. I don't know what he figured. I figured he was defeated in that power struggle.

Why Knowland wanted to run for governor I'll never know, when he could have been minority leader or majority leader of the United States Senate, where he could have done more good for California than he could as governor, in my opinion.

Rowland: What are your reflections on the role of Nixon in that switch? Do you have any theories?

Powers: Nixon was vice president then. I would say that there might have been a little conflict of interest between Nixon and Knowland because both of them apparently had an idea that the stepping stone to run for President would be Governor of California. That's why they were both after it, and apparently they switched around. I think the Los Angeles Times came out a hundred percent for Knowland, and I think they told him they would. I don't think that either of them thought they could be elected without the support of the Times. The Times was a very important paper at that time. I don't think that that's right. I think the Times made that switch.

- Rowland: As lieutenant governor you saw this battle in the Republican party--
- Powers: I was in on it close enough to know that they were doing something, but I had no conception of what they were doing. I wasn't in on any of their deals.
- Rowland: But you saw the Knight force as probably being the more moderate force, and Nixon being a conservative upstart from southern California.
- Powers: I think that both Nixon and Knowland had ambitions to be President of the United States, and I think both of them thought that the stepping stone to the presidency of the United States was governorship of California. Both of them wanted to be governor of California first, but both of them had their eye on the presidency.
- Rowland: I don't quite understand here. If Knowland would be governor in 1958, then he would have a shot in 1960, rather than Richard Nixon.
- Powers: Nixon wanted it, but Nixon couldn't get it then. The Times supported Knowland.
- Rowland: Then Knowland was the swing vote in a sense.
- Powers: That's right. Knowland was the one. The Times I don't think was out for Nixon for governor, they were out for Knowland for governor.
- Rowland: And Nixon would run in 1964. He would run in '62 against Pat Brown for governor and then be the candidate in 1964 for president.
- Powers: That's right. In fact, I think the Los Angeles Times must have been for Earl Warren in 1952 for President, but Nixon switched there, if you remember. He and Pat Hillings were for Eisenhower. Of course, the Times came out for Eisenhower when he got the nomination, but I'm talking prior to the nomination.
- Rowland: So the seed of this whole big switch goes back to that '52 campaign.
- Powers: Yes. I have a little more to back me up on it. Dan Thornton, the Governor of Colorado, was a very close friend of mine, and I think Dan had the same philosophy that I have. In fact, I got some of my philosophy from Dan. Dan was a very close friend of Nixon.

Dan Thornton is a friend of the Dowds. Dan Thornton was the young Governor of Colorado at this time--I've got his picture over there now [points to picture atop desk]. He was pretty close to

Powers: Nixon because the Dowds were raised in Colorado. Dan was later offered the Secretary of Agriculture under Eisenhower, and he turned it down because he'd told the people of Colorado that had come out for him when he was running for governor that if he was elected governor he'd stay there as governor. So he was, and he turned that other down. But Dan was a very close friend of mine and he was right in on it, closer than I was.

Rowland: So Thornton told you that he was offered a position in the Eisenhower administration?

Powers: Yes, Eisenhower offered him a position, but he couldn't leave. That's right. This was after Eisenhower was President, you understand.

Rowland: So you are using Thornton as an example of a governor who might have used his position as a stepping stone.

Powers: Yes, and didn't, but I'm also using Governor Thornton to tell me what happened in Chicago.

They didn't know that Nixon was going to support Eisenhower. I think Dan was for Eisenhower, but he had no idea Nixon was going to be. Nixon was supposed to support Earl Warren. The California delegation was supposed to support Earl Warren.

Rowland: The meeting in Phoenix--does that coincide with when Goodwin Knight went to Phoenix, or went to Arizona to recuperate from the alleged flu that he had?

Powers: No, I think he just went down there, I think, because he was sent for.

Rowland: He wasn't sick with the flu?

Powers: No, no. He went down there. I don't know what Virginia said, or anything--

Rowland: I think she substantiated that.

Powers: [laughter] I wouldn't be surprised, I would expect her to. She's fine, but I think he just went down there. I think if you really knew the truth--I don't know it--I think you'd find that Knowland was down there, and the Los Angeles Times was down there, and Knight was down there.

Rowland: Chandler was down there?

Powers: I think so, I think one of them was. I think probably Norman Chandler or if Kyle Palmer was still alive, if could have been Kyle. I don't know just when Kyle died. He died in there sometime.

Powers: Kyle Palmer--Knight always told me, personally, he told me this-- was the strongest political man in the state of California. The Times took his word pretty much as to who they'd support.

Rowland: Governor Knight went to Washington, D.C., we assume to get the support of Eisenhower for Knight's U.S. Senate bid?

Powers: That would be problematical. Your guess would be as good as mine. I remember he went to Washington, D.C., if I recall right, I'm not absolutely sure of this. I do know that I attended the Western Governor's Conference in Colorado Springs, representing Governor Knight. He was gone at the time, and I assumed he was back there, but I don't know. I know he was out of the state and I represented him, and I represented him at the Western Governors.

Rowland: What was the purpose of that meeting with Eisenhower and Nixon? Was it to get their support for his senatorial bid?

Powers: I don't know. He might have been at that time thinking of running for governor. I don't think Goodie ever really wanted to run for the United States Senate.

Rowland: You think he was pushed into it?

Powers: I think so.

Rowland: He ran against Murphy, then?

Powers: No, Murphy comes in way after that. He ran against Clair Engle.

Clair Engle was United States Senator from California!
How did he get in there?

Rowland: He was a congressman.

Powers: Yes, he was a congressman. He served in the senate here with me. He was my seat mate. I knew him very well. He was a good United States Senator, he was quite a little guy. But then he beat Knight, he had the Democratic support. That was a switch to the Democrats that year, that's why we all got beaten. I got more votes than any Republican, but I wasn't elected.

Rowland: You lost to Glenn Anderson.

Powers: I did. The only Republican that was elected statewide that time was Jordan, but I got more votes than he did because there were more votes at the top of the ticket. Labor went a hundred percent Democratic then. I had a lot of labor support. I remember the convention [1956] in San Francisco, they had endorsed me the year before, and I hadn't voted a bill in years.

Rowland: You had the AFL support in the 1954 campaign.

Powers: Sure I did, but I didn't have it in the last. Labor went against me in the last.

Rowland: Because of the big switch?

Powers: Because of the big switch.

Rowland: They thought that you might have been involved?

Powers: That's right, I guess they did. They'd supported me before, and they didn't have any reason--

Rowland: Did you publicly remove yourself from the party at that time, and run independent?

Powers: No, no I didn't, I never declared myself a non-Republican.

Rowland: You were still a member of the party, but you didn't want to be--

Powers: That's right.

I don't think I said it, but I'll tell you personally what it was. Nixon told me he wouldn't run for governor in 1962, and then after I got my neck out running, then he announced it. Then all the big wigs of the Republican party supported him, and I said, "Well, if all the money goes to Nixon, all the Republican money, I just quit."

Rowland: You're talking about 1962 now, right?

Powers: I'm talking about the last, that's right.

Rowland: When Nixon eventually ran against Pat Brown in that really bitter--

Powers: That's right. But it comes in before because I was just out as lieutenant governor. Some of this happened when I was lieutenant governor, some just after. There was just a hair between that.

Rowland: Again, the question of switching Knight's financial backers to support Knowland in that campaign--

Powers: I think the Republican party at that time supported the Republican nominees. I think they supported--

Rowland: Whoever the Los Angeles Times did?

Powers: Yes, I think so. Definitely.

Rowland: What about people like Ahmanson and Salvatori?

Powers: Well, they would support Knight and they would support Knowland both. And I think some of them supported me. They must have, because I beat Knowland by 500,000 votes practically.

But Goodie just didn't make any kind of run against Clair Engle.

Rowland: He didn't really get the support of Eisenhower, did he?

Powers: I don't think he did too strong.

Rowland: The meeting in Washington was disappointing to Knight. He expected Eisenhower and Nixon to publicly come out on the steps, put their arms around him, and come out to California and work with him.

Powers: No, I think Goodie went down to defeat. I imagine he died very sore about it, don't you? I don't know, I didn't get to see him. You know--

[tape recorder off]

Rowland: I think we better finish it up.

[Interview 2: November 21, 1978]##

Rowland: I wonder if you would repeat what you said the last time I was here, over lunch, about Mildred Younger's campaign against Richard Richards in 1954. That would be very valuable for us.

Powers: In Los Angeles, when I was campaigning for lieutenant governor, Mildred Younger was running for the state senate on the Republican ticket against Richard Richards on the Democratic ticket. I spoke with them many times at different meetings.

At that time, there had never been a woman who served in the senate of California. The entire senate, including most of the Republicans, were very reluctant to support a woman to come to the senate of California.

Of course, you must remember that was before women's lib, and consequently I think that's one of the reasons that Mildred was defeated. She made a very strong campaign, she's a very good speaker. She was opposed by a very strong Democrat, a very good speaker also, and a very smart individual. We had two very competent people running for the legislature, and naturally the man won because there was quite a bit of prejudice against women at that time.

Rowland: Was this a group of Republicans in the senate who refused to--

Powers: No, I don't think there was any group of Republicans who came out opposed to Mildred Younger. They just were very reluctant individually to come out for her.

Rowland: Come out for her? Meaning campaign for her?

Powers: Yes, that's right, campaign for her.

Rowland: Turning now to the subject of lobbyists that we had talked about earlier, I have a one-shot question before we go on to the major subjects here.

We had talked about the role of advocates and lobbyists, and the relationship of advocates to legislators during your period. There had been an increase of administrative assistants working under legislators, maybe even during the time you were in the senate. I wonder how that affected the relationship between advocates and the legislature.

Powers: There was a great change in the legislative advocates. When I was first in the senate we had to share a secretary between two or three senators, and none of us had an administrative assistant at that time. The assembly was the same way. This has come on since I was in there.

For instance, in the lieutenant governor's office--when I was lieutenant governor of California, I had three people: a secretary in the Los Angeles office; a secretary in the Sacramento office, where I was part of the time; and a man that travelled with me and helped me. I understand at the present time they have around twenty employees in the lieutenant governor's office, so you can see that's quite a change. I don't think the duties have increased very much.

I think the same way with administrative assistants. I personally think they have too many, because when people came to the legislature years ago, they wanted to talk to the legislator himself. Now, when they come to the legislature, they probably talk to some administrative assistant many times, and don't even see the assemblyman or the senator that they want to see, which I think is bad.

Rowland: So that's become a buffer.

Powers: That's right, you have a buffer. The legislative assistant shields the legislator.

Rowland: Do you think that that might give rise to a less amount of accessibility of the legislator to the lobbyists?

Powers: I would think that that affects some, yes. I suppose that your legislative advocates that are around the capitol all the time, they probably get a chance to see the legislator himself, because they know the assistant and they know the legislator himself, probably; so they get a chance to.

In speaking about people who come from the outside, from a legislator's district, many times they come into the senate or the assembly when that assemblyman or senator is busy, and they are pushed off onto the legislative assistant. I think that is really kind of bad. I think they intend to talk to the legislator himself, and that's who they want to talk to, and that's who they should be able to talk to.

Rowland: Why was there this increase in administrative assistants in the legislature?

Powers: I can't tell you, except I think one thing, it gives them a chance to advertise more for themselves in their own district. They all put out a little pamphlet of what they're doing, and so forth, and I think that helps them in their own districts a little more, they think. I think they have more assistants than they need.

Rowland: Could you see it as attempting to handle the tremendous increase in legislation and technical work?

Powers: No, I don't see it in that. I think you have more legislation. You've got more people in California at the present time. Maybe they need an extra assistant, maybe they need an extra secretary. I would say if they needed an extra secretary, it's very true. But as far as the assistants are concerned, I don't think they need that many more.

You must remember that in the first part of my time, we met every other year, so we had quite a lot of business when the legislature met every other year. We limited it to a hundred days, so we probably had as much work to do during the session of the legislature as these folks have now during their session. They now have twice as long, and they meet twice as often.

Rowland: One question that seems to be interesting, especially for you who have been in the senate in those earlier years and have that perspective. The increase in salary for legislators has risen dramatically--

Powers: That's right.

Rowland: --especially during the reapportionment controversy in 1965 and 1966. What is your reflection on that?

Powers: My reflection is definitely this. In the days that I was first in the legislature, up until the time they increased the salary, you had a lot of businessmen who would devote some of their time and come to the legislature. When you raised the salary, and you put it up to where it is at the present time, you have a professional legislature.

In those days you met every other year. You had businessmen who ran big businesses in California--big farmers, big bankers, and so forth--and they devoted six months of their time every other year to come to the legislature. Today, you find a legislator is a professional legislator. He devotes all of his time to the legislature, and I don't think you get the efficiency that you had before. I don't think you have any more capable men in there today than you had when I was there.

Rowland: For a minute there I thought that you were going to say the opposite, that you do have a full time legislator now that--

Powers: You have a full time legislator now, but I don't think that he does any more business than your part time legislator did before. I'm not sure you get any more competent individuals. In fact, I don't think you do.

Rowland: You feel that before there was a greater amount of commitment from the men who were independently well-to-do, and didn't look upon the legislature as the best job they ever had.

Powers: That's right, that's very true. In those days--I could name them off to you--we had some bankers that were very prominent bankers, we had farmers that were really big, successful farmers. We had insurance men who were successful insurance men. But they could only devote part of their time to the legislature. By that, I mean they devoted all their time when the legislature was in session, but they would only be here for six months of every other year.

Rowland: Senator Teale had an interesting observation on the change in ambitions among legislators. He felt that the legislators who came after reapportionment, or even in the sixties before reapportionment, had greater ambitions, and looked upon their legislative role as merely kind of a station on a path to national politics. He felt that politicians before this period were there strictly for the legislative role that they were elected to.

Powers: I think Senator Teale is absolutely right in that observation.

As I mentioned to you, we had big businessmen in the legislature in the early days, big farmers. They wouldn't think of going to Washington. It wasn't their ambition to go to Washington, it was their ambition to have California governed under a law that would be favorable to the people of California.

Powers: Today, you get a professional legislator, and of course, he wants to go as far as he can. His ambition is to get to the United States Congress, the United States Senate. But in those days, I can name the legislators that were here that wouldn't think of running for Congress because they wouldn't leave their business in California.

Rowland: Senator Rattigan had a perspective on the function and the role of the legislator once he's elected. He saw his role in the senate as not necessarily reflecting his district, but reflecting the greater view, the larger view of California, and having to deal with issues representing not just his district, but representing the views of all Californians.

Powers: You take an oath to uphold the Constitution of the United States, and the Constitution of California. Of course, you look to the welfare of the whole country first. But then you look for your district. I think you try to represent your district as it would affect the whole state of California. But of course, you're not going to do anything in your district that's detrimental to the state of California, but you are looking out for the welfare of the people in your particular district.

For instance, I represented the livestock industry very strongly when I was in the legislature. But I looked at how it would affect the livestock industry of the state of California, particularly in my district. I think that that's the difference there. You legislate first for the entire country, for the United States, then for the state of California, and then for your district. But you do take your district very seriously into consideration of what's good and what's bad for it. Consequently, I can see a man from Los Angeles voting for certain legislation that I in Modoc County wouldn't vote for--for schools, for instance--that might be detrimental to the rural schools, where it would be beneficial to the schools in the metropolitan area. So there you would find a little difference.

Rowland: When you had risen to the pro tem position did your role change? Did you then see yourself as not just representing your district, but representing the entire senate?

Powers: Yes, when I was President pro tem and very instrumental in appointing members of the committees, I wanted to see that every industry and every district of California was properly represented there.

For instance, I think that when you are President pro tem, you put people on the various committees that are competent and will work for the district that they represent and for the state of

Powers: California. I think you definitely should take the state into consideration when you are President pro tem and appointing committees. You want every business in California well represented, and every district well represented. That would be the south and the north.

Rowland: Is there a major theme, particularly in the senate, of trying to build a good atmosphere and climate for business in California?

Powers: Yes, I think in those days there was. You must remember that when I was in the senate was before--

Rowland: Particularly growth, growth in business and development within the state?

Powers: --was before reapportionment, and I think that yes, definitely, we did. For instance, we took in consideration in Los Angeles, the metropolitan area of Los Angeles, with the problems that they had with highways, the problems they had with traffic, the problems they had with law enforcement, and I think we made considerations for that. You take in consideration every section of California and every business in California, and you iron it out to see that they get the proper representation.

For instance, we have the Highway Fund in California divided with the forty five northern counties and thirteen southern counties, where the thirteen southern counties get more money than the forty five northern, because they have a greater problem in southern California, a greater traffic problem. So we're willing to adjust to that, to see that all of California is equal.

Rowland: But in dealing with the legislative representatives, for instance, was there an attempt to favor those representatives that were representing business interests in the state, and to give them an opportunity for growth and development? In other words, a favorable climate for business in the state.

Powers: I think we attempted always to have a favorable climate for business. Yes, definitely. I think that's necessary, for California to have a good business climate.

Rowland: Let's go back to that 1958 campaign: the big switch between Goodwin Knight and William Knowland. It's still a little hazy exactly what happened there.

One question we have is about the role of George Christopher in the big switch. What were his ambitions, and did he play any role in the decision?

Powers: George Christopher was a very popular mayor of San Francisco, and he was very ambitious to go up from mayor to lieutenant governor to governor. I think that George was very ambitious politically, but he unfortunately never got past being mayor of San Francisco.

Rowland: Did he intend to run in the primary against Goodwin Knight, for governor?

Powers: I couldn't say that he intended to run. He wanted to run for lieutenant governor when I ran for lieutenant governor. I think Governor Knight told me afterwards that George wanted Knight to support him [Christopher] for lieutenant governor and Goodwin Knight said that he didn't want to antagonize the President pro tem and the members of the senate to go for Christopher over one of us that happened to be myself.

So I think George was very ambitious, and I think he was going to run for lieutenant governor, but Knight--[tape interruption]

Rowland: --and they hardly ever talked during that campaign [1962]--Nixon and Christopher, that is.

Powers: At that particular time [prior to 1959] we had cross-filing, and different than now, the governor never endorsed anyone for lieutenant governor, particularly until after the primaries. As lieutenant governor, I wouldn't endorse anybody for the senate or the assembly on the Republican ticket until after the primaries. You let your own party make the decision in the primary, and then you run on the party ticket.

I think that's what happened at that particular time. I don't think that Nixon would endorse. He'd follow the setup that the governor and members of the legislature set up ahead of him. I don't think he would endorse Christopher.

Rowland: Would you say that again?

Powers: At that time, 1958, Senator Kuchel endorsed George Christopher for U.S. Senate prior to the primary election. Of course, that was contrary to what we'd been doing in California, and naturally I think it was very instrumental in causing Kuchel's defeat in 1963. That's when Max Rafferty beat him for the Republican nomination. Then Rafferty lost in the general election. But Rafferty beat Kuchel for the Republican nomination, and I always thought it was because Kuchel endorsed prior to the primary in 1958. He antagonized a lot of people by doing that.

Rowland: [tape interruption] I sent you Herb Phillip's analysis of the big switch.

Powers: Well, I realize that according to the press there was a possibility at that time that Knight and Knowland might resign their respective jobs, with Knight then in the position to receive U.S. Senate appointment from me, as lieutenant governor. But I knew nothing about that. I absolutely knew nothing about that. I never agreed to appoint anybody if I became governor. [tape interruption]

Rowland: Where do you think that rumor came from? Munnell cites Republican sources.

Powers: I would say that there was quite a lot of talk about it at that time, and where there's so much smoke, there must be some fire. I suppose that probably they had talked about it, but they had never made that proposition to me.

Rowland: Was there talk of you running for that U.S. Senate seat?

Powers: No, I've never been approached to run for the Senate seat. My whole ambition was to be governor of California, it was not to go to the United States Senate.

Rowland: So you intended to go for governor?

Powers: Yes, very definitely, but it's pretty hard to run against the vice president of the United States, when the vice president gets all the Republican money.

Rowland: Had you thought of challenging William Knowland in 1958 for the governorship?

Powers: No. I was thinking of running for governor, but I had no idea that they were going to make a switch as they did, and Knowland was going to run for governor at that time. So I was merely interested in continuing as lieutenant governor right then.

Rowland: I think I asked you this question before. The major financial backers for Goodwin Knight's campaign were mysteriously turned around to support William Knowland's campaign during that big switch. The question I have there is how were they persuaded to support William Knowland for governor, when they had backed Goodwin Knight and Goodwin Knight was so popular in the Republican party, and had almost been assured the governorship as an incumbent against Pat Brown? He was representing the conservatives, possibly the right wing, of the Republican party.

Powers: Knowing Goodwin Knight as I did, I think Goodwin was very competent as a politician. I think that he realized that the power of the press was very important, and that the money to run for governor, probably the majority of it, would have to come from southern

Powers: California. I'm sure that the Los Angeles Times was very instrumental in influencing him to change his mind. I think that Kyle Palmer, who represented the Los Angeles Times at that time as a political writer, and Norman Chandler, who was there rather than Otis Chandler at that time, decided that Knight should run for the United States Senate, instead of continuing on as governor.

It was very evident to me that Knight wanted to be governor of California more than anything else, and I think he would have liked to have stayed there another term. He had a chance to run for the United States Senate at the time that Helen Gahagan Douglas ran. At that time he said, if I recall right, "No, I want to be governor of California," so he turned down the Republican party's offer to run for the United States Senate against Helen Gahagan Douglas. That's when Nixon ran against Helen Gahagan Douglas and was elected. Nixon was a congressman at that time.

Rowland: So you were going back to the explanations about Knight's ambitions. But as to why the backers of Knight switched to Knowland, you would say it was the L.A. Times?

Powers: Yes, sir. I think the political writers for the Times, and maybe some of the political leaders in southern California. Knowland had been very popular as a United States Senator, and he was minority and majority leader in the United States Senate, which is a very enviable position. I think that Bill Knowland was only minority leader because the Democrats had a majority in the United States Senate. If the Republicans had been in the majority back there, he'd have been the majority leader, which is a very enviable and very powerful position.

Rowland: Was there some Nixon interference in persuading Goodwin Knight to drop out?

Powers: That I don't know. I really don't know Nixon's, and Knowland's, and Knight's relationship. I know that Warren wouldn't have been in on it, and that's all I know.

Rowland: For instance, there is one theory that Nixon might campaign against Goodwin Knight, or Nixon might offer Goodwin Knight a judgeship--

Powers: I wouldn't know that.

I think that the leaders of our Republican party, like Knight and Knowland, would be reluctant to run against each other, I would say that.

And the party backers wouldn't support them to run against each other. You have to have backing for these political jobs, you have to have some backing.

Rowland: How did this relate to the California Republican hierarchy? There must have been a major shift here.

Powers: I think if you refer to the hierarchy, the people in the southern part of the state that support the Republican candidates very strongly, I think that they go right along with the Los Angeles Times. Because they go together, they have a lot of power.

Rowland: So the L.A. Times was a real pivot in the Republican party in this big switch, as you saw it?

Powers: It was at that time, yes. I don't think they have that power now, but they sure had it then.

Battling over the Right-To-Work Initiative

Rowland: The other question that comes up is the right-to-work initiative.* You had mentioned that you were going to try to keep the right-to-work issue off the Republican platform in the Republican State Central Committee meeting in August in Sacramento. Do you recall that?

Powers: I was at the Chamber of Commerce meeting in Sacramento. They had a dinner every year where the governor speaks. That's been going on for years in California--it's still going. The governor is always the speaker at this Chamber of Commerce breakfast. They also have a United States Senator there speaking.

At this particular breakfast, I remember Bill Knowland got up and spoke how he was for right-to-work. I think at that time people read in between the lines that what he wanted to do was run for governor of California. He was in the United States Senate at that time, and what he had in his mind was that he wanted to run for governor of California, and he came out for right-to-work.

*Proposition 18, the right-to-work initiative in the 1958 election, proposed that no person should be forced to join a union as a condition of his employment. The proposition would have outlawed the closed or union shop.

Powers: I was opposed to right-to-work at that time, and I wanted to keep it out of the Republican platform, because I think that we have Republicans that favor labor and I think we have Republicans that are opposed to labor. I don't think it should be in the platform. I think it's a measure for the people to decide, and not for a legislator to decide.

Rowland: Why did Knowland support right-to-work?

Powers: I can't tell you why he supported it, but he did. He came out for it right at that time, and that made a split. That's where your split started in the Republican party.

I happened to come out against right-to-work. I didn't think it was time for it, and I wanted to keep it out of the platform of the Republican party. [tape interruption]

Yes, the powers of the Republican party must have looked at it a little different than I did, because I was opposed to the right-to-work at that time, particularly it being in the platform of the Republican party.

Rowland: Did the L.A. Times, again, play a role in right-to-work?

Powers: I think they did, yes, at that time.

Rowland: The L.A. Times had gone through that major union upheaval at the turn of the century.

Powers: That's right. I think that's one of the reasons they supported Knowland. I think that at that time they would have been very strong for the right-to-work.

It was pretty controversial, as you know, in the state of California at that time. I don't think that the people as a whole would ever vote for right-to-work.

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Powers: In fact, I must have got a lot of Democratic support, because I got nearly 500,000 more votes than Knowland did. That's unheard of for the lieutenant governor to get more votes than the governor.

Rowland: You mentioned some Republican names on the other tape. One name that sticks out is Ron Button. What was the position of Ron Button?

Powers: Ron Button was a power in the Republican Assembly of California. He was also a very strong supporter of Goodwin Knight, and a very fine man.

Rowland: Wasn't he treasurer?

Powers: Yes, he was appointed treasurer. Wasn't he appointed? He took the place of Gus Johnson. That was a pretty controversial deal. I think they declared Gus Johnson incompetent, and Knight appointed him [Button] as state treasurer.

Rowland: What was the position of Ron Button in the big switch? Did he support Knight for U.S. Senate?

Powers: I'm sure that he supported Knight for the United States Senate, and I'm sure he supported Knowland for governor.

Rowland: He was trying to heal some wounds there?

Powers: I think he was very close to both of them. I think that Ron Button supported both of them. I'd guarantee it, pretty near.

Campaigning for Lieutenant Governor: 1958

Rowland: What pressure came on you to support Knowland?

Powers: Just the fact that I'm a Republican and running for the Republican nomination for lieutenant governor, I naturally wouldn't come out against the individual that's running for governor.

Rowland: Did your name appear in any Knowland campaign literature?

Powers: I don't think my name appeared on any Knowland campaign literature, and I don't think his name appeared on any of my campaign literature.

Rowland: Did you have any meeting with Knowland?

Powers: No, I had no meetings with Knowland. We might have spoken at the same party gatherings sometimes, but we didn't see eye to eye, particularly on right-to-work, and I think I was considered a little more liberal than Knowland was in the Republican party.

Rowland: Did the L.A. Times endorse you for lieutenant governor?

Powers: They endorsed me the second time that I ran, when we were defeated after the switch. The first time they did not support me, no, they supported Fred Houser.

Rowland: In the 1954 campaign.

Powers: That's right, in the '54 campaign they were against me, but I beat him. I won't say I beat him, but I carried Los Angeles County; excuse me for saying that.

Powers: But in the next one, they supported me, yes. In fact, I think I had the support of every major paper in the state of California. I even had the support of the Sacramento Bee.

Rowland: Did you have any meetings with the Chandlers or Kyle Palmer trying to convince you to openly work for Knowland's campaign?

Powers: No, they didn't put any pressure on me. They let me run my own campaign.

Rowland: What about after the primary, in which you got more votes than Knowland? That must have been an embarrassment to Knowland's camp.

Powers: Well, I don't know whether it was or whether it wasn't. [laughter] I don't know. I suppose it was, yes.

Rowland: Did you get any feedback from the Knowland camp at all?

Powers: No, I didn't. It was pretty encouraging to my camp, but I don't know what it did to the Knowland camp.

Rowland: Who was your campaign manager? Who were the principal people who worked on your campaign in 1958?

Powers: Well, they were mostly just friends of mine. You must remember that I think I only spent seventy five thousand dollars in campaigning for lieutenant governor.

I had a lot of the senators. I think they passed a resolution in the senate supporting me for lieutenant governor. So while every senator may not have voted for me, there wasn't any senator who came out against me, I'm sure of that. I think I had the support of mostly every senator in his district, and I had the support of a lot of assemblymen in their district. That's probably what carried me through. I don't think I had any one great campaign manager statewide.

There were actors that helped me. Leo Carrillo was very instrumental in helping me at that particular time. Leo Carrillo was a very good friend of mine. He was quite a horseman, as you know, and I had ridden in the Rose Bowl Parade with him several times. Leo was very instrumental in supporting me.

Rowland: Did you have any p.r. [public relations] firm?

Powers: There was a p.r. firm in Los Angeles that helped me. I forget the name of them now.

Rowland: Whitaker and Baxter?

Powers: Whitaker and Baxter supported me I'm sure, but I didn't have enough money to hire them for the full campaign and put them on like they were in the other campaigns, I'm sure.

But Whitaker and Baxter were very friendly with me. I knew Clem Whitaker in the legislature when he was a reporter.

Rowland: But you can't remember the name of your firm?

Powers: McFaden. There was a fellow named McFaden in Los Angeles that ran my campaign.

Rowland: Do you recall the first name?

Powers: I can't. I didn't have much money to spend. They helped me probably more than I paid them for, but I still didn't have the money to carry them around and give the publicity that I should have had, I guess.

Rowland: You mention that you had quite a bit of farm bureau and rancher support in the San Joaquin area and the Sacramento Valley.

Powers: Yes, I think I had the farm bureau and the rancher's support throughout California. In Los Angeles I remember travelling all over Los Angeles to speak at every farm bureau meeting. You know, Los Angeles was the number one agricultural county at one time. There was lots of dairying in Los Angeles County, for instance. Lots of agriculture, citrus, in Los Angeles County at that time. I'm sure that I got the bulk of the farm vote all over the state of California, north and south both.

Rowland: Were there any particular large ranches or farms that supported you financially? For instance, Southern Pacific Land Company, or the Griffen Ranch?

Powers: Yes, O'Neill was the big man in Fresno at that time, and Russ Griffen. Yes, I'm sure that they supported me. And the Boswell Cotton Company. I think Bill Boswell supported me, and Salyer. The Salyer people, and Corcoran at that time supported me. And Pelatier, Suzy Pelatier in Los Angeles, and her husband Frank Pelatier, I'm sure they supported me. He was the number one livestock man in southern California at one time, and Suzy Pelatier was my woman chairman in the south. So I received a lot of support.

Rowland: The Southern Pacific Land Company?

Powers: I don't know what they support.

Powers: Roger Jessup was a great supporter of mine. Roger Jessup was a supervisor at that time and a very big dairyman in Los Angeles, and in the livestock business up in Modoc County. Roger was one of my main supporters, I would say.

Knudsen was alive at that time, and I'm sure that Tom Knudsen helped me out quite a bit.

Rowland: The Knudsen Ranch?

Powers: Yes, Knudsen Dairy.

And in San Diego, I think at that time, Arnholt Smith was very instrumental. He was very powerful there at that time, and I'm sure he supported me.

Rowland: He was a Nixon supporter.

Powers: [laughter] Yes, he was, but you remember, I didn't run against Nixon.

Rowland: That's true.

I have a note here that Robert Alderman was statewide chairman for your campaign in 1958.

Powers: Bob Alderman helped me a lot, but I don't remember that he was statewide chairman. Bob Alderman was Knight's right hand man, if you remember. Bob gave me some help, yes.

Rowland: He was a former executive secretary to Goodwin Knight.

Powers: Yes, that's right. Bob had worked in the legislature with me. He edited a newspaper, I believe out of Woodland, at one time. He was very instrumental in helping me, all right, at that time.

Rowland: Did you get any principal Democratic support during your lieutenant governor campaign, from more moderate, conservative Democrats, like Hugh Burns, for instance?

Powers: There was a lot of support for me from the Democratic party, I know. I can't name who all they were. I don't know just who they are, but I'm sure that Hugh Burns, for instance, supported me.

Rowland: Hugh Burns and you had common interests. You were both from rural counties.

Powers: Hugh Burns and I both represented rural counties, and I think we saw eye to eye on most legislation. I'm sure that Hugh supported me.

Powers: I think that in the Fresno area O'Neill was a Democrat who was very instrumental at that time in supporting me. I think you'll find up and down the state, I don't just recall every one now, but I had a lot of very prominent Democrats who were supporting me.

Rowland: Do you recall any names besides Hugh Burns?

Powers: It's been so long that I just can't recall the names of the Democrats that supported me, but there were certainly a lot of them. I think in my district, for instance, I'm sure the Democratic central committee came out for me. But just to pick out individuals up and down the state, the members of the legislature who were Democrats, like Hugh Burns--they passed a resolution in the senate supporting me.

Rowland: That's when Hugh Burns was pro tem of the senate, too.

Powers: Yes.

Rowland: Now that we're talking about Burns, that reminds me to go back to when Hugh Burns was selected as pro tem of the senate. Did you cast one of the deciding votes for Hugh Burns?

Powers: No, I didn't cast a vote at that time.

Rowland: You were president of the senate, you were presiding.

Powers: That's right, but it wasn't a tie vote. As lieutenant governor, you only vote in case of a tie. I cast several tie votes; I forget now just what they were for, but it wasn't for President pro tem.

Rowland: Do you recall that election of Hugh Burns in 1957?

Powers: Sure I remember it, I remember it very well.

Rowland: Who was the pro tem prior to that?

Powers: I'm sure it was Clarence Ward from Santa Barbara, but I think that Clarence passed away. I don't think it was a fight between Clarence Ward and Hugh Burns, if I remember right.

Rowland: Who was it between?

Powers: I forget who ran against Hugh.*

* Donald Grunsky, Republican from Santa Cruz and San Benito Counties, challenged Burns for the President pro tempore post in 1956.

- Powers: I know I didn't do anything against Hugh, and I'm sure I probably did something for him. I probably helped him in some way, shape, or form.
- Rowland: There's been talk about the Hugh Burns coalition in the senate that was building up just prior to that--a bipartisan coalition. Do you recall that?
- Powers: Yes, I do. I think there were some Republican members that approached me. They thought that I was going to oppose him, and I said I wouldn't. I think there were a lot of Republicans that voted for Hugh Burns. He had a lot of Republican support, sure.
- Rowland: Any particular Republicans that you remember?
- Powers: I can remember one fellow. I was at a meeting over in Cheyenne, Wyoming. I went over there speaking for the livestock industry, and there was a senate meeting over there. I remember Lou Sutton, who has passed away now, was over there. He was very worried that I was going to come out against Hugh Burns. I told him no, I had no idea of coming out against him.
- Rowland: Sutton?
- Powers: Lou Sutton. He was a state senator from Colusa County and a Republican.
- Rowland: We talked about your not endorsing Knowland for governor. Did you endorse any other Republican candidate?
- Powers: No, I didn't endorse anybody.
- Rowland: You were independent?
- Powers: Absolutely independent. I ran my own campaigns, independent each time.
- Rowland: Were there a lot of pressures, especially after you won that primary? You got more votes than Knowland did. There must have been quite a bit of pressure on you to endorse Republicans.
- Powers: No, I don't think so. I think they let me run my own campaign.
- Rowland: Something that I've noted is that Fred Zweiback was Los Angeles CDC [California Democratic Council] Vice President. He accused you of cheap political cynicism in pretending to run a nonpartisan campaign, independent of the Republican party, and independent of the two Republican factions, Knowland and Knight. He came out and claimed that Democratic candidate Glenn Anderson will not be defeated, nor will Butch Powers lure Democratic votes. What would be your comment on that?

Rowland: He was speaking on behalf of Glenn Anderson's campaign. He said that you were trying to lure Democratic votes in the 1958 general election.

Powers: Certainly I remember him because he was with the CDC. I'm sure the CDC never supported me. They are, as I called them, the radical part of the Democratic party. They had the convention in Fresno. I'm sure the CDC would not endorse me, but I'm sure that many of the Democrats, including members of the Democratic central committee, a lot of them did support me, because they said so at that time. I got the Democratic vote, but not the CDC vote. In fact, I never asked for the CDC vote. In fact, I think it would have worked against me if I'd have had it at that time.

Rowland: What about the claim that you were trying to lure Democrats from Glenn Anderson's campaign?

Powers: I don't think I ever mentioned Glenn Anderson in any speeches that I made. I think what I stood for in the Republican party was more or less liberal, and I think there were a lot of Democrats that had the same feeling and the same philosophy that I had, and they supported me. I don't think those same Democrats would want to join the CDC. The CDC endorsement did not affect these particular Democrats that I'm referring to. [brief tape interruption]

Rowland: Was Goodwin Knight opposed to Nixon's involvement and rise in the party?

Powers: If you want to go back to those days, I think that Goodwin Knight was interested in California and California politics, and the welfare of California. I don't think he gave Nixon much consideration. I think that he thought that Nixon would stay in the national setup, and he would stay in the state setup.

Rowland: But what was his perspective on Richard Nixon's ambitions? Did he see Nixon as a threat to the party or a threat to Republicanism in California?

Powers: I think that everybody had the same philosophy. They thought Nixon's ambition was to be President of the United States. He'd been vice president, and I think his ambition was to be President.

I think if you'll check back you'll find that Knowland had the same feeling. I think that Knowland wanted to be President of the United States. I think both of them had the mistaken idea that the stepping stone would be governor of California.

Rowland: Did Goodwin Knight express that what Nixon was doing was good for the party?

Powers: I never heard. I wouldn't know what he thought. I don't really know what one of those individuals thought about the other.

Both Nixon and Knowland would have been better off if they'd stayed where they were.

Rowland: Did you feel that Nixon and Knowland were trying to get control over the party?

Powers: I think both of them had the ambition to be governor of California, and I think both of them had a better chance if they'd stayed where they were--Nixon as vice president and Knowland as leader in the Senate.

Rowland: Did you have the feeling that Nixon would campaign against Goodwin Knight if--

Powers: No, I don't think that any one of those would have campaigned against the other.

Rowland: You think that Richard Nixon would not have campaigned against Goodwin Knight if Knight had not switched?

Powers: No, I don't think so. It's pretty hard for the leaders of any particular party to campaign against other leaders in the party. And they were both leaders of the party.

Rowland: I have a note here that you told the Oakland Republican Assembly that you had received offers to run for the Senate.

Powers: I think that anybody in those positions has certain people say, "You should run for the United States Senate." Yes, I think that's right, I think everybody has some people encouraging them. But you have to weigh those for what they're worth, and what your chances are. I think you have to make your own decision of what you can do and what you can't do, what you can accomplish and what you cannot accomplish.

Rowland: Did some of your supporters encourage you to run for the Senate?

Powers: I think they were some of my people, yes. They said, "That's what you should run for." But I didn't think it was feasible for me to do so at that time, under those conditions.

Rowland: I have a note here that George Christopher and yourself denied having talked about your bid for the Senate seat. This is going back to a funeral that both of you had attended in San Francisco. George Christopher was there at the time, and the press came out and

Rowland: said that the two of you had talked at the funeral about some deal in which you, or Christopher, would run for the [U.S.] Senate seat. You denied having talked to George Christopher regarding this bid for the Senate seat.

Powers: If I came out in the press and said so at that time, it must have been so, because I'm sure I never made a mis-statement knowingly at any time. If I said I didn't talk to him about it at that time, then I didn't talk to him about it.

Rowland: Did you know if Christopher had ambitions for that?

Powers: I think George was ambitious all the way through. I think George would have liked to have been lieutenant governor of California; he'd have liked to have been governor of California; he'd have liked to have been in the United States Senate. I think he was after any one of those that would be available, that he thought he could make. I don't think any of them showed up.

Rowland: This is a note from Herb Phillips' column. He stated that it appeared that Clair Engle might challenge you for the Senate seat. Clair Engle was congressman at that time, and he would be the Democratic candidate.

Powers: I probably said that Clair Engle would be the candidate, which he was. He did come out and run for the United States Senate and was elected. I thought that he would be ambitious, and I thought he was one of our leading congressmen, and he and I both came from the same particular district. We came from northern California.

Rowland: So you felt that Engle was just too big an opponent to challenge, that he would be successful.

Powers: I don't know my reasoning for it at that time, but I imagine that could have been it. Either that was it, or I just didn't want to run for the Senate at that time.

Rowland: Did you have any other ambitions later on in your career for national politics?

Powers: No, when I was defeated for lieutenant governor I had no ambitions to run. I had encouragement then. I had a lot of people after me to run for congress in this district after Engle went out, to run for congress against Johnson. I thought I could do more in the cattle business in California than I could in congress in Washington.

Rowland: Going back to the right-to-work proposition, regarding an alleged deal that occurred between the Merchant's and Manufacturer's Association and William Knowland: Knowland said he would pass the

- Rowland: right-to-work law if the Merchant's and Manufacturer's Association supported his gubernatorial campaign. The Merchant's and Manufacturer's Association knew that Goodwin Knight would not support a right-to-work law.
- Powers: That is probably very true, because Knowland came out publicly for the right-to-work, and I think that Goodwin Knight was very much opposed to it. If I recall at that time, I'm sure I'm quoting him right. He was opposed to it.
- Rowland: Do you think the Merchant's and Manufacturer's Association played a role in Knowland's decision to run for governor? They would support and finance his campaign--
- Powers: No doubt that it was very instrumental in making his decision. That would be very instrumental in anybody's. They are a very strong organization and they have very fine people in it, and they represent a lot of money. So no doubt Knowland-- And that was his feeling, he'd come out for right-to-work, which wasn't our feeling. I didn't vote for right-to-work; I wasn't for it.
- Rowland: You had some union support, right? The Brotherhood of Railroad Trainmen--
- Powers: Yes, I had union support in my district all the time, but I was always fair with labor. I was not a radical labor person, but I was fair with labor, as I term it myself.
- Rowland: One last question here on the 1958 campaign. Why didn't Knowland resign from the Senate and let Goodwin Knight appoint a replacement?
- Powers: Why didn't Knowland resign from the Senate? I just think that Knowland had an ambition at that particular time to be a nominee for President of the United States. I think that he thought that he could just come back here and run for governor, and if he was elected he would be in a better position to run for president.
- Rowland: But if Goodwin Knight left the office of governor, and you appointed him as the U.S. Senator, he would be able to run as the incumbent.
- Powers: I think they [voters] would figure that was too much of a deal. I was never approached on that, at least. I never had to make that decision.
- Rowland: You feel that was too much party politics?
- Powers: I think so. I think the deal as it was, when they switched all around there, they all knew something about it--Knowland, Nixon, and Knight--but I knew nothing about it. I think it was a deal

- Powers: switched around, and I think the general public thought it was a deal. That's why every Republican was defeated at that time, if you recall, except Jordan who ran for secretary of state. I received more Republican votes than Jordan did, but he was the only winner. They defeated every Republican state officer in California at that time.
- Rowland: That's an interesting thing, because California, because of cross-filing, has always seemed to be devoid of real party identity, like you find on the east coast, or in national politics. All of a sudden in 1958, because of that big switch, which Pat Brown used to show that the Democratic party was pure and the Republican party was corrupt, you had a kind of Harry Truman-type Democratic politics, and a strong party identity. Did you see that as an interesting development in the 1958 politics?
- Powers: The people of the state of California, or I imagine any state, are very fearful of and dislike a deal that's made at the top of the ticket, where they are going to be sold down the river, where they have to vote one way or the other. I think that was out at the time. As Bill Munell said: It looks like a deal to do this and do that. I think just the fact that it was a deal, plus the fact that the majority of the people probably were against right-to-work--between the two of them it defeated every Republican candidate in California, with the exception of Frank Jordan.
- [brief tape interruption]
- Powers: There had been a Jordan on the ticket for forty years in California. His father had been in there for years. As I say, I received more Republican votes than he did, but he was elected because there were less votes cast as you go down the ticket.
- Rowland: I have a few questions about something that appears from my perspective to be maneuvers in the Republican party in 1957. That was an expense account investigation of your headquarters in Modoc County, which, according to John Peirce, who was Director of Finance, was illegal.
- Powers: John Peirce was entirely wrong on that. In fact, I don't know whether he was against me or for me, but I remember just a little thing that happened at that time.
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- Rowland: Peirce said your office headquarters in Modoc County was illegal, because you had spent nine months out of your year in Sacramento, and your campaign headquarters should be in Sacramento.
- Powers: Number one, John Peirce didn't know a damn thing about where I spent my time; and number two, you're entitled to your per diem when you're away from your home. My home was definitely in Modoc County. I

Powers: didn't have a home here [Sacramento], I was travelling when I was down here, and I definitely was entitled to that per diem at that time. I think it was very minor, fifteen or twenty dollars at that time. In fact, you'll find that the legislators all get per diems when they're here.

I did it because Fred Links, who had been Director of Finance for years in the legislature, said you're entitled to your per diem when you're away from your home, and your home is in Modoc County. Even if you are in Sacramento, you're entitled to a per diem. So I put in for per diem. However, they ruled that I couldn't have it.

John was a pretty conservative individual, whether that office liked me or not. I recall that I wanted an air conditioner in my car, because coming from Fresno in the summertime it's hot and you get your clothes all out of array travelling around in these hot places making speeches. I wanted air conditioning. He ruled that the lieutenant governor was not entitled to an air conditioner in his car. He could have been wrong on a lot of things.

Rowland: Was there some kind of political reason for investigating you?

Powers: I don't think they investigated me much. There was no investigation as I see. They just said you're not entitled to that. The ruling is that the IRS [Internal Revenue Service] says you're not entitled to that, though the state said I was entitled to it, so I didn't take it. There wasn't much of a ruling. I think it did make the press, probably.

Rowland: What I'm saying is, was there some political reason why Peirce investigated you?

Powers: Well, I didn't know they investigated; but if they did, it could have been some political reason. He might have; I don't know.

Rowland: You and Peirce had known each other from the State Lands Commission.

Powers: Sure, we served on the State Lands Commission, but that's all.

Rowland: Was Peirce anxious to defeat you or embarrass you in some way?

Powers: I wouldn't say that. Maybe Peirce just wanted to put it out that he was a very strict Director of Finance, and he's going to stop all the expenses that he can. He thought he could stop this, which he did. However, they're getting it now, and I think the ruling was still all right.

Rowland: The investigation of your campaign headquarters may have led Hugh Burns in 1959 to change the nature of factfinding committees in the state senate to allow a senator to have a subcommittee, and therefore a headquarters under a subcommittee, anywhere he wanted to in the state. This was a major change involving the senate rules of the nature of factfinding committees in 1959, creating the general research committee.

Powers: That could be, because they're entitled to a per diem. Maybe they had to establish their headquarters someplace else in order to get it, so I suppose that they would do that. Again, it goes back to when you're away from your home you're entitled to so much per diem, and the legislature does it now. We didn't get any per diem all the time I was in the legislature, but they're getting it now, and it's also tax exempt.

Naturally, coming from Modoc County, I was away from my home practically all the time, whether I was here or Los Angeles, or where I was. I was away from my home.

Rowland: Bob Kirkwood, the controller, was also going to investigate other state officials' accounts. What was your relationship with Kirkwood?

Powers: Kirkwood and I were very good friends. I didn't know anything about him. To my knowledge he never investigated any of my expenses.

Rowland: Moving on to the 1960 presidential campaign, what was your position regarding Richard Nixon's presidency?

Powers: [brief tape interruption] In 1960 I--as I look at it now, very foolishly--I supported Nixon. I voted for Nixon for president, because I was a Republican and I was supporting the Republican party. He was the Republican nominee, so I voted for him.

Stumping for Nixon in 1960

Rowland: You were also appointed by Dwight Eisenhower to become an assistant deputy in the GSA [General Services Administration].

Powers: Yes, that was before Nixon and I had the mixup in 1962. I was a very strong supporter, I suppose, for Nixon for vice president, and years ago, for the ticket.

Rowland: So you had been a supporter of Nixon.

Powers: Yes, I had been a strong supporter of Nixon , and I was friendly with Nixon. I supported him for vice president, I surely did.
[brief tape interruption]

I suppose because I'd been lieutenant governor, and I'd been defeated by a pretty small majority, and had quite a few friends in the senate of California and even in the assembly, they asked me if I wanted a federal job. So I was back in Washington.

I was the deputy director of the General Services Administration. I held that job for one year, a little over a year, and then I resigned. When Nixon ran for president at that time, I came back here and supported Nixon for president. Spoke for him for president. (Afterwards, after this deal we had, I'd never support him again.) I supported Nixon. I resigned that job and came back here and spoke through the San Joaquin Valley and even in Palm Springs and in the south for him. That's the time that he was defeated.

We were friendly up until the time he told me he wasn't going to run for governor, and then came out for the governorship without any knowledge.

Rowland: What was your position when you came back from Washington? Did you head his northern California campaign?

Powers: No, I was in southern California. They told me to just campaign in my own way, and speak for him. So I spoke at a number of meetings where I was invited to, to speak.

Rowland: At this point you weren't disillusioned by Nixon?

Powers: No, we were friendly at that time.

Rowland: What was the nature of your relationship with Richard Nixon?

Powers: When I was lieutenant governor, of course, I met him many times. When he came back to Los Angeles I was one of the ones out to the airport to meet him many times. We were friendly enough until he ran for governor. When he ran for president the first time, I was for him.

Rowland: What kind of personality profile could you give us of Richard Nixon?

Powers: Well, Nixon is a different type of individual than I'm used to. He's not just a regular guy. I guess he's a very good personality in his way, but he's not like the cattlemen that I'm used to associating with, as far as that goes.

Rowland: Did you see him representing that kind of southern California driving ambition, middle class Republican group that was so dominant down there?

Powers: He catered very much to the Republican group. I think his philosophy was very much in line with the rank and file of Republicans at that time, rather conservative. No, I supported Nixon for president, the first time he ran.

Rowland: You didn't get any feedback from Pat Brown's people to turn around and support Kennedy in any way?

Powers: No, Pat Brown didn't attempt to influence me any way.

Rowland: Did you get any feedback from the Brown administration in that first term?

Powers: No. [brief tape interruption]

Rowland: We were speaking of Richard Nixon's campaign for the presidency in 1960, and you coming back from Washington to be active in his campaign. Do you remember any other particular people you were working with on that campaign here? What was your position?

Powers: I had a meeting with Nixon in Washington, D.C. before I came back. I said that if he was going to run for president I would come back and support him back here [California]. I couldn't do him any good back there. So I came back here and did what I could for him here.

Rowland: What other people were you working with on that campaign?

Powers: The people that Nixon had in charge of his campaign in southern California, I reported to them. They told me to just campaign the way I'd campaigned for lieutenant governor myself. I'd been successful, so help him. And that's what I did.

Rowland: Any particular names that you recall?

Powers: No.

Rowland: Bob Haldeman was active in that campaign.

Powers: Yes, Bob Haldeman was one. There was a lot of them: Brennan; Ray Abernathy, you mentioned him, he was active in it.

Rowland: Ray Abernathy?

Powers: Yes.

Primary Lineup, 1962: Nixon versus Powers for Governor

Rowland: Moving on up to the 1962 campaign, when did you first announce your candidacy for governor in the Republican primary in 1962?

Powers: In 1962 I thought the governorship would more or less be wide open, and I announced then that I was going to run for governor. I issued several statements of why I thought I'd be a good governor for California, and why I could fill the position of governor of California in a satisfactory manner. I announced, and I received quite a bit of money toward my campaign.

Rowland: What were the sources of your financial support?

Powers: Well, they would be from individuals up and down the state. I had quite a few individuals send me contributions, mostly small contributions, a thousand dollars at the outside. I think I got about ten thousand set aside to run for governor at the beginning.

Rowland: Did you get the ranch support, the farmers?

Powers: I think I would have had it. I hadn't gotten along enough to get too many individuals, but I'm sure that I had a lot of ranch support that I could count on, the same as I counted on running for lieutenant governor four years previous.

Rowland: You said that you had a promise from Richard Nixon that he would not run.

Powers: Yes, I understood Nixon to say that he was not going to run. I supported him for President of the United States, and he was defeated by President Kennedy. He said at that time that he wasn't out here to run for governor of California. I assumed that what he said was right, and I know that he knew that I was thinking about running for governor, because he'd been at several of the meetings I attended.

Then all of a sudden he announced for governor and immediately I could see that the big shots, the heads of the Republican party, were all going for Nixon. I knew that they controlled the finances of the Republican party.

Rowland: How did they control the finances?

Powers: Well, they controlled it through the press, and the backers of the Republican party in the south. I think Grace and Henry Salvatori--

Rowland: You mentioned Grace and Henry Salvatori earlier. How did they make their money?

Powers: I understand they're big oil people. They're great Republicans. I think they're fine people, but they were very strong supporters of Nixon. They had supported him for president, and they were going to support him for governor.

Rowland: And they were southern Californians?

Powers: They were southern California. [brief tape interruption]

Powers: There were a number of supporters of the Republican party. Asa Call, I think, was another one. [brief tape interruption]

Rowland: What about the vice president of Lockheed Aircraft, John Canaday?

Powers: John Canaday, I knew him very well. John Canaday was a great supporter of mine.

Rowland: He was?

Powers: Yes. John and I served on the Regents of the University of California, so I think John was very friendly with me. He's a very fine man.

Rowland: Edward Lawrence, Jr.?

Powers: No, I don't recall him.

Rowland: He was chairman of the Republican party in 1952.

Powers: I think that you'll find that the press and the heads of the Republican party in Los Angeles went together--I mean the Republican press and the supporters of the Republican party. I knew that if Nixon took all the Republican money that it would be useless for me to buck him without any money.

Had the press and the heads of the Republican party not decided to support Nixon, but support whoever the primaries elected, it would have been fine. I would have stayed in the race. But they didn't do that; they came right out before I knew it in support of Nixon.

Rowland: What was William Knowland's role in the party at this point?

Powers: Knowland at that time wasn't active. I assume that Knowland would support Nixon. Knowland was the publisher of the Oakland Tribune at that time.

Powers: I thought at that time that I could beat Nixon, if it was between he and I in the general election, but I didn't think I could take the nomination away from him with all that support he had in southern California.

Rowland: Obviously, from that press clipping you were very bitter towards Nixon and the Republican party--I think you called them "string pullers." You also said [reading from the article], "Powers challenges Republican party string pullers to lay off and let the people decide, to avoid the disunity of the 1958 campaign."

You were attempting to play down the role of these kingmakers in the party, and provide more unity in the party?

Powers: That was right. I think that they caused a lot of disunity in the party by turning out ahead of time and picking out a man that they wanted to be governor of California before they took into consideration many other things--whoever else might be interested in it, how they stood with the people of California, and so forth. I think that they were premature in coming out and supporting Nixon. I thought so then, and I think so now.

Rowland: Would one of those string pullers again be the Los Angeles Times and the Merchant's and Manufacturer's Association?

Powers: That would be them, yes. I don't know as the Merchant's and Manufacturer's came out openly for it at that time, but I assume that they would go along with them, yes.

Rowland: Later on in the campaign you said that Nixon had a shabby campaign. What did you mean by shabby campaign?

Powers: As I recall his press releases, he didn't come out--Nixon had not been around the state of California very much. He probably knew the district that he represented in the United States Congress, but he hadn't been around the state to get acquainted with all the problems in California as much as he should have. I'm sure that I knew more about the condition of California. I felt that I did then, and I still think it now. I knew more about what was good for California and what was bad for California, and what the Californians wanted.

Rowland: You said that Nixon was using the Cuban missile crisis in a cheap bid for votes.

Powers: He was at that time, just like he'd used Alger Hiss before, he'd used the Cuban missiles this time. I don't think that was so important, as far as I'm concerned, for the governor of California.

Rowland: Did you feel that this was a big disillusionment for you, since you had worked for Nixon's campaign in 1960?

Powers: I did, I thought so. Yes, sir.

Rowland: Now you made a switch to support Pat Brown in that campaign?

Powers: Yes, I did. That's after the primary. Because in the primaries I'm a Republican. I think I supported Joe Shell until it ended up between Nixon and Pat Brown, and then I supported Pat Brown very strong.

But I was a Republican right up to the general election. I supported Joe Shell. I didn't think Joe was going to beat Nixon. I didn't think any Republican was going to beat Nixon because he had that money and the support of the hierarchy of the Republican party. I did support Shell, but Shell didn't beat him.

Rowland: Did you encourage your supporters to support Pat Brown in the general election?

Powers: Yes, I came out for Pat Brown one hundred percent. I'd worked with Pat. I knew what he was as attorney general of California, and I knew that he'd be a better governor for California than Nixon would.

Rowland: There was a Democratic press meeting and I think you were on the platform with Pat Brown. At the end of the press meeting John McCarthy jumped on the stage and took the microphone, and claimed that you were a traitor to the party.

Powers: That's right. I remember that very well.

Rowland: McCarthy had been your campaign manager in 1958?

Powers: Yes, he had. He thought I should support Nixon, and I told him I absolutely wouldn't support him after he did like he did. I didn't think he would be a good governor; I didn't think he was the proper man to represent California. I thought that Pat Brown would be a better governor than Nixon, and I supported him.

I don't know where Jack got that idea of jumping up and saying I was a turncoat on the party, because I told him I was going to do it, and told him why I was going to do it.

Rowland: Was this a major dissatisfaction with the party, a major break for you?

Powers: Yes, it was, in a way, because I thought that the heads of the Republican party in the south and the press in the south were a little premature in coming out for Nixon.

Rowland: Were you fully accepted by the Democrats?

Powers: I don't think I was ever fully accepted by the Democrats. I think it's just like a trend now to vote your conscience. For instance, you find at this time [1978] you elected a Republican lieutenant governor with a Democrat governor. At that time [1958] I got more votes than the candidate for governor, who was Bill Knowland.

I think a lot of people follow the party lines and a lot of people do what they think is right and what's wrong and vote for the individual. I'm sure I got the vote for the individual.

Rowland: What was the reaction of George Christopher, who was also a major influence in the party?

Powers: I suppose that George didn't like it, but I never heard from him, so I don't know.

Rowland: I have an article here that George Christopher regrets Butch Powers' remark against the Republican party "kingmakers," and a veiled attack on Nixon.

Powers: I suppose that George Christopher and Jack McCarthy, and probably a few others if you can think of them, thought I did wrong, but there were as many others that came and told me I did just right--and just as influential people as Christopher and McCarthy. Many of them came to me and said, "You did just right."

Rowland: After Pat Brown won that very, very bitter campaign, he appointed you Director of Professional and Vocational Standards.

Powers: He did after a while--I guess a year after he was elected. Pat didn't promise me anything if I'd support him, and I never asked him for anything. About a year after I was back here on the ranch they called me up. I guess they had a vacancy as the head of the

Powers: Department of Consumer Affairs, and they asked me if I'd take the appointment, and I said yes. But it was a year after the election before I took any appointment, and he had never promised me anything.

Rowland: But you see this as a kind of reward for your support?

Powers: Pat and I had been to many, many meetings together. I think he recognized that I could fill the job, or he wouldn't have appointed me.

Rowland: In that position, as head of Professional and Vocational Standards, you were accessible to lobbyists. What lobbyists and advocates did you have to deal with in your position there?

Powers: I don't think I had many lobbyists to deal with in that. If you did it was all on a very limited scale, because practically every licensee in the state of California is registered in that department. I think all except the real estate. We have the contractors, and the barbers, and all the licensees are in that department.

I just preached to my people all the time I was in there that the best thing they could do to help the administration to be good is to keep scandal out. I tried to keep any scandal out of that organization, and I don't think there was any scandal all the time I was in it. It's quite a big organization. All the contractors are in it. There would be quite a chance for favoritism, but I'm sure that we kept it out. That's what I preached all the way through, and I think it worked.

Rowland: You said you had to do with real estate licenses too?

Powers: Every licensee in the state of California practically comes through the Department of Vocational Standards, or consumer department, with the exception of the real estate and the lawyers, I guess. Every other one--for instance the undertakers, and the barbers, and the cosmetologists--all of them come under it.

Rowland: In January 1963 you were appointed to the State Fair Board by Pat Brown.

Powers: Yes.

Rowland: That position would come under the interests of the horse track lobby in the state, which I understand is a very powerful group and a very well-financed group. How did you deal with the horse track interests on the State Fair Board?

Powers: On the State Fair Board we have our days out here at the State Fair. We had, I think, fourteen racing days at that time. We were always trying to avoid a conflict with the tracks that would run close to

Powers: us that would interfere with our meet here. We tried to keep Stockton separate from us, and we tried to keep Bay Meadows and Golden Gate Fields separate from us. We did have an overlapping with Golden Gate Fields, and I think we probably at one time had one day overlapping with Stockton.

My only dealing with the racing commission at that time was to keep from overlapping here. We were partially successful in doing it, and partially we weren't successful. Whenever we opened here and it overlapped with Golden Gate Fields, it affected the take here.

Rowland: What do you mean by here?

Powers: Sacramento.

Rowland: You mean the State Fair?

Powers: Yes, the racing days at the State Fair. If we have racing days that overlap with Stockton, for instance, that cuts the take down for both of these county fairs. But when we overlap with Golden Gate Fields it takes quite a lot of money out of Sacramento because it's a bigger track, and probably they have a little better racing down there. We found that many bettors would go from Sacramento to Golden Gate Fields, so we tried to avoid any overlap with Golden Gate Fields. And we built the thing up to where we had several million dollar days during the State Fair out here.

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Rowland: Was that the primary interest of the horse track advocates on the State Fair Board--trying to map out racing days?

Powers: At that time we had a California State Fair, and it was a real good fair, if I do say it. We had a hundred and four, a hundred and six thousand people attend the fair in one day. Many times we went over a hundred thousand. It was quite a fair at that time. Of course, the racing was just one part of it.

Now they don't have any such thing as a California State Fair, it's the California Exposition, and it's quite a bit different than it was then. I don't think they've ever had a hundred thousand people out there in one day. I don't think they could handle them now.

Rowland: What particular lobbyists do you remember working for the horse track interests? Garabaldi, for instance?

Powers: I guess Garabaldi is now, but I don't think he was so active at that time that I was in there. But Garabaldi has been a very fair lobbyist. I think he's a very high class individual. I suppose if they hire him, he'd represent them to the best of his ability.

Rowland: So you really had no problems dealing with the horse track people?

Powers: No, I had no problems. They were always fair with us. I don't think for instance Garabaldi, or anybody for the race track, appeared against giving Sacramento days away from Golden Gate.

Rowland: Was that kind of a political football, however, between the State Fair Board and some other agency or the legislature?

Powers: No, it wasn't. In those days the State Fair was strictly an agriculture setup. Always on the State Fair Board we had some very prominent agriculture people from all over the state of California.

It's changed now. They don't have a board now, for instance.

Rowland: Did you also select people to handle the local county boards too, on the State Fair Board?

Powers: No, that's selected by the governor. We just ran the State Fair.

Rowland: What's called Cal Expo.

Powers: It is now. It wasn't then.

Rowland: Turning to the 1964 campaign of President Johnson--you became head of Citizens for Johnson in October of 1964.

Powers: Well, I was working for Pat Brown, so I supported Johnson at that time. I was working for Pat Brown, I'd accepted the position with him, so I was following his lead in supporting Johnson.

Rowland: You also supported Pierre Salinger for the U.S. Senate seat.

Powers: Very slightly. I was a great friend of George Murphy's, and in the next election I supported George very strong. They might have used my name in Salinger's campaign, but I really didn't do any work on it.

Rowland: Did you get involved at all in that bitter in-house Democratic battle over Pierre Salinger versus Alan Cranston?

Powers: No. I was never mixed up in that in any way, shape or form. In fact, at the time I didn't know anything about it, only what I read in the paper.

Rowland: How well did you know Speaker Jess Unruh?

Powers: I knew him as a legislator when he first came up here. He was a member of the assembly. By the time he got into power in the assembly--in other words, when he was elected Speaker--I was out

Powers: of power in the senate. So I never had any direct relationship with Unruh. I think he's a pretty good administrator, but I never had any direct relationship with him.

Rowland: Unruh didn't seek your support for Pierre Salinger?

Powers: No, he did not, no.

Rowland: I also have a note here about you being asked to run for Harold "Bizz" Johnson's congressional seat.

Powers: Yes, there were a lot of people in northern California who asked me to run for the congress, because I'd just had my name out for governor and I was pretty well known up through that district. Yes, there were a lot of people in Redding, a lot of people in various parts of the--

Rowland: This is going back to March on 1962, after you backed out of the race for governor because of Nixon's entry? People asked you to run for congress?

Powers: Yes, they did. A lot of people asked me. Not one, but--my God, they sent a petition down here with over five hundred names--I have it someplace yet--to run for congress. Yes, they petitioned me with five hundred names, I'm sure.

Rowland: How come you didn't run?

Powers: I just didn't want to leave California. I'd been back to Washington for one year. I thought, "I'll go as far as I can in politics, and then I'll quit." When I was defeated for lieutenant governor I just think I decided I'd quit. When I couldn't run for governor, I decided I'd quit.

I would have liked to have been governor, there's no question about that.

Rowland: What were your communications with the Republican party since you supported Pat Brown? Were they less than welcome?

Powers: I had some people even accuse me of changing my registration, which I never did. I registered Republican, and I'm still a Republican, and I vote, generally, on the Republican ticket, although I've cross-filed a good number of times. I think there's some people who resent it, but I think the majority of them don't.

Rowland: Did you endorse any Republicans in 1962 or 1964?

Powers: I don't remember.

Rowland: Did you give any speeches for the Republican party?

Powers: I don't remember doing it, no. I would have, if it were some Republican I liked I would have given a speech for him. But I don't recall now doing it.

Rowland: You felt that the Republican party had been taken over by southern California conservatives?

Powers: Well, I felt the heads of it did, yes. But you can't blame the entire party for what a few people do. I still am a Republican, and I believe in the philosophy of the Republican party. I think we've got a lot of good people in it.

Rowland: That's an interesting perspective. Could you comment on what you see as the differences of the Democrats, since you were at least peripherally involved in the Democratic party and you've been directly involved in the Republican party. Could you compare and contrast the parties in California?

Powers: I think you'll find that the Republican party in California has always been more or less on the conservative side, but also you've got Republicans that are very broad minded. They vote for the individual. I think that it's getting a trend that way all the time. I think that you'll find more people voting for the individual today, and not following party leads, than they ever did before. I think that there's a trend to cross-filing.

I've done it for years. I voted as I saw it. Unless there's a reason to support the Democrat over the Republican, I vote for the Republican. But if there's a good reason, I'll vote for the Democrat, and I think there's many people the same way. I have many Democrat friends in California that are supporters of mine, and I think they feel the same way. I think this last election proves that. I think that you'll find people are getting more and more all the time to supporting the individual. I think there's a change in the trend of the times. I think it started when I was there, and it's gained ever since. I think it will keep gaining.

Now that's in California. I don't know about other states. But there's no such thing as voting just a straight party ticket anymore.

Rowland: What about the Democratic party? How did you see the Democratic party as different from the Republican party?

Powers: Well, the Democratic party at one time was, as I see it, controlled strictly by labor. They were the real liberal party. They were not necessarily in the big majority then, until such circumstances came about where the Republicans just gave them an opportunity.

Powers: When they let the kingmakers select, I think a few Republicans made a mistake. But you can't blame the whole party for what a few people do.

I think now we have our choice between liberal and ultra-conservative. There's many things that enter into it. I think that it's the individual now. You have television now, better than you ever had before. It's the appearance that the people make on television. The press does not have quite the power today that it had twenty years ago.

Rowland: You were talking about cross-filing, and I'd like to ask you about that. The Democrats made moves, and finally abolished cross-filing in 1959. What was your position on that?

Powers: My position is that they were absolutely wrong.

That was one thing that Pat Brown did. Pat was instrumental in doing away with cross-filing. Cross-filing is an all right set-up. You've got to carry your own party nomination. Then if a majority of the other party want to vote for you over their man, I think that's perfectly all right. You are elected then by a big majority of people, and I think a majority of the people should always rule.

Another thing that's very important on it--the trouble with our politics today is that it costs so much to run for election. I understand it costs \$500,000 to run against an incumbent congressman. That to me is absolutely wrong.

Cross-filing would eliminate one of those campaigns. It would eliminate the general election.* You must remember that every time that I ran for the state senate, I wound it up in the primaries. Consequently, I was only out half the money than if I'd had to carry on two campaigns. I'd say this. With my financial standing when I first ran for office, if I'd had to carry on two campaigns, I couldn't have run. I think you'd take a lot of money out of the deal if you let a man win in the primary, providing he can carry his own party plus a majority of the other party. There isn't anything wrong with it.

*Under the cross-filing rules, if a candidate won a majority of votes of both parties in the primary election, he automatically won the general election. Cross-filing was abolished in 1959.

Powers: You realize that under that law, if you didn't carry your own party, even if you got every vote in the other party, you were out.

Rowland: Why do you think the Democrats wanted to abolish it?

Powers: At that time they figured there were so many more Democrats in California they thought that they could run things. I'm sure that they thought, "Well, we have control. We've got more Democrats than Republicans." Labor seemed to be on that side. So they just did away with cross-filing.

I told Pat many times that he made a mistake, and I told the legislature. I think you'll find that a lot of the legislators realize now that they did make a mistake. Of course, when you've got the "one man-one vote" [apportionment], it wouldn't make much difference now, not as much as it would then.

Rowland: I'd like to throw out a few hypothetical questions that are interesting in the sense of what might have happened if you had been still lieutenant governor, if you had beaten Glenn Anderson. One big "if" question that came out in talking with Senator Rattigan yesterday dealt with the Rumford Fair Housing Act and the intimate last session of the senate in which the Rumford Fair Housing finally came up for vote in literally the eleventh hour, before the twelfth hour end of the session. Senator Rattigan said that President of the Senate, Lieutenant Governor Glenn Anderson, played a major parliamentary role in getting the Rumford Fair Housing Act on the agenda and voted on in that session in 1962. What would you have done? What position would you have taken regarding the Rumford Fair Housing Act if you had been lieutenant governor and President of the Senate, the presiding officer?

Powers: Byron Rumford served with me in the legislature, and Byron Rumford was a very fine legislator. I saw eye to eye on most legislation with Byron. But to say what I would have done at the time on that housing act, I don't know, because I just didn't give it that much consideration. I would say that working with Byron would have been very favorable to me. I would give him a lot of consideration, I know that. But what I would have done, I can't say, because I wasn't in that position, and consequently I couldn't truthfully say what I would have done.

Rowland: It would have been like a Mike Curb-Jerry Brown situation. You would have been a Republican as lieutenant governor, and Pat Brown would have been the Democrat governor.

Powers: Well, I would have voted my conscience, and what I thought was right, I think. I don't think I would have put politics into it that strong.

- Powers: Of course, when I was lieutenant governor I had a very happy situation because I'd been President pro tem for seven years. When you're President pro tem, you're elected by a majority of the senate, so I had a majority of the senate, I knew, with me all the time I was President pro tem. So I got along with the senate in top shape. I just thought that the senate was the finest body of anybody that you could possible serve with. In fact, I would say there's hardly a senator that I disliked. There were a lot of senators that I disagreed with, but I think during my term of office I liked practically every senator that I ever served with.
- Rowland: This is a question that I just recalled. In the first tape that we did we talked briefly about the State Lands Commission and your role on the State Lands Commission. We also talked about tideland oil revenue. What were the plans for tideland oil revenues?
- Powers: I think I made this statement at the time. We were receiving about ten million dollars a year from the tidelands oil leases. I think I was for tidelands oil drilling, providing it was in a place that didn't interfere with any of our beaches--like Santa Barbara beach, or Long Beach, or any of the beaches that are so valuable for recreation and to the people in California. But if there was some outlying place, I was for off state drilling, conducted in a proper manner. I think they assured us at that time that they could conduct it in a proper manner, and as such, I would be for it. I still would.
- Rowland: Now how did the tidelands oil fund become institutionalized in the General Fund?
- Powers: I forget just exactly how they went in. I know that Beaches and Parks had a very strong hold on them. I would have been for this--giving a certain amount to designated areas, like the Parks and Beaches fund, and recreation fund. But beyond that, just give them what they absolutely needed, and above that it should have gone in the General Fund.
- I made that statement then, and I make it now. After all, the General Fund is what we raise taxes for, and that's what we should help. That money belongs to the people of California, and it should help the people of California. All the people, not just one particular department of government.
- Rowland: Bruce Allen, in 1956 or 1957, introduced a bill to prevent oil companies from making campaign contributions. What were Allen's motives?
- Powers: I don't know. I knew Bruce very well, but I don't know what his motives could have been. I don't think I would be for it, I don't remember. I think oil people, if they want to make a contribution,

Powers: are like anybody else, ranchers or farmers. If they're legitimate, that's their business. I don't hold any brief for them, and I don't hold any grievance against them.

Rowland: For instance, when you ran a campaign, when you were running for lieutenant governor, did you get quite a few unsolicited campaign contributions from oil interests?

Powers: I think the independents probably supported me. I don't recall. I think even the other side. I don't think that I was ever prejudiced one way or the other on the oil companies. When they're right, I'm for them, and when I don't think they're right I would probably be against them.

They have been pretty fair as far as my observation was, and with me when I was in there. I can't see that they ever asked for anything very unfair. I know they're considered very wealthy people, and so forth, but they're all pretty sound individuals and for pretty sound government. I have no grievance with the oil. I'm not for them or against them. When they're right, I'm for them, when they're not, I'm--but I found them to be pretty reasonable people.

Rowland: In their attempts to encourage wildcatting on tideland oil areas, what was your position on that?

Powers: I think I'd be for them wildcatting.

Rowland: To increase the revenues?

Powers: Yes, that's right. It would increase the revenue, and besides we ought to encourage all the development we can of our resources. Yes, I think I was always for the wildcatting, to a degree. I don't mean that we could go all overboard, but where it's proper, I think we should do it, and I'd be willing to support it.

Rowland: One question going back to your 1962 campaign against Richard Nixon. The Western Political Quarterly said that you had poor financing and poor organization, and that's why you dropped out of the race against Richard Nixon.

Powers: Well, I'm sure I would have had poor financing, because all the Republican party had given all their money to Nixon. I certainly would have had poor financing. I would have. I hadn't gotten far enough. I just remember that I had about ten thousand dollars donated me, and I gave that ten thousand dollars back to everybody that made a contribution. Nobody can say they gave me money to run for governor and I kept the money, because I returned all that money to everybody that put it in.

- Rowland: What about the organization part of your campaign? Did you feel that you didn't really have the mechanism?
- Powers: I hadn't gone far enough to get the good organization yet. I was announced, but you must remember that it takes a little while to get started on a campaign like that.
- Rowland: Did you have any campaign public relations firm?
- Powers: I had some in mind. I imagine a firm I'd try to get at that time would have been Whitaker and Baxter, because I knew them very well.
- Rowland: What was the Oakland firm that you recalled?
- Powers: I can't remember what the name of that firm was. They were pretty good, though.
- Rowland: The last questions here are dealing with reapportionment, senate reapportionment. You must have some views on that. It seems that every senator or former senator has very striking views on that.
- Powers: That's right. The most striking.
- Rowland: The issue of senate reapportionment first appeared in the 1960 initiative of Frank Bonelli, and then in the 1962 initiative of Frank Bonelli. The 1960 initiative, you may recall, was the 20/20 setup. There would be forty senators, twenty from northern California, twenty from southern California, with the Tehachapis as the dividing line.
- As a former senator, and a very influential former member of the senate, what was your position on that?
- Powers: I know that I favored at that time the federal reapportionment over any other reapportionment that we might have.
- Rowland: The federal plan?
- Powers: We called it the federal plan, because it took the population into consideration for one house, and it took the area in consideration for the other half, exactly the same as our national congress is set up. So it was properly named the federal reapportionment plan. Of course, to me that was the most fair.
- But, the plan that Bonelli had of twenty north and twenty south would be far superior to what it is today. You take the lesser of two evils. I would take that if I couldn't get the other.
- Rowland: But in that period 1960 to 1966, your position on reapportionment was that you were against it.

Powers: I was against any changing, that's right. Absolutely.

Rowland: Any change in the state senate--

Powers: Yes, sir.

Rowland: I think we already talked about this over lunch, but if we could get it on tape-- What was your reaction to the Warren Court's "one man-one vote" decision, that finally court ordered senate reapportionment?

Powers: I was very much opposed to that. I think it's absolutely wrong. When you say one man-one vote, it sounds very good, but instead of giving the people the power, you take the power away from the people.

For instance, in California if the people want to vote ninety to one now, to change that [legislative apportionment], they couldn't do it. That is in the law, that's in the constitution. So instead of giving the people the power, it takes the power away from the people. The people do not have the power to change that apportionment in any way, shape, or form at the present time, and I think that is very bad. I think it's been very detrimental to all of the western part of the United States. I don't think it affects the industrial East, but it sure affects the West.

Rowland: Do you recall hearing about any third house advocates and their positions on reapportionment?

Powers: I don't know how the third house stood on that. I think you'd find this--that it would be the individual. There might have been quite various opinions on it, but I think as far as I know, most of them were opposed to reapportionment. I don't think they were all for one man-one vote. That sounds good, but it's really bad.

Rowland: You might recall the state senate sending members of the senate around the country and to Washington--Senator Rattigan was one of those who went to Washington--to speak for the Dirksen amendment, a federal constitutional amendment to reverse the one man-one vote decision of the supreme court. Did you also speak on behalf of the state senate in those years?

Powers: I didn't because I was out of it in that year. I didn't make trips because they were all appointed by the senate and the senators they represented.

Rowland: But as a private citizen did you speak?

Powers: As a private citizen I spoke against it every time I had a chance. I think it's the worst thing that ever happened to the West. It gives all the control of California to Los Angeles and Orange County. It gave the control of Nevada to Las Vegas, for instance. It gives the control of Utah to Salt Lake. You could go right straight through. It's just not the right thing.

If you're going to have that, you might as well have a unicameral legislature in my opinion. There isn't much difference in the legislature at the present time with their setup than you'd have if you had a good unicameral legislature.

Rowland: So it gave the power to the cities, then?

Powers: I was always opposed to a unicameral legislature, but if you're going to have this as it is--metropolitan areas have all the power anyhow.

Rowland: There were some interesting dynamics over that senate reapportionment, and that was the assembly refusing to accept the senate's version of reapportionment. This was primarily Speaker Jess Unruh and [Assembly] Elections and Reapportionment Committee Chairman Don Allen. It was a question of at large versus district elections.

Powers: They were from big areas. They were from Los Angeles, that was the reason. Of course, it would help Los Angeles, that's what I'm saying. I think San Francisco was for it at one time, and I think they supported it, but then they got to be the whipping stalk the same as the rest of the state. It gives all the control to Los Angeles, and they have it over San Francisco now, just the same as they have it over Sacramento or Modoc County. So it hasn't helped San Francisco. I think your present people in San Francisco would like to see that apportionment back. A lot of people would, rather.

Rowland: Do you remember any particular bills that you as a senator had supported for urban centers?

Powers: Yes, you bet. I'll tell you, at one time in California our authorities--the Highway Department--decided that in order to accelerate the freeway system to handle the traffic in the Los Angeles area they'd have to have an increase in the gas tax. The oil companies had control of the assembly at that time, to the extent that they voted against the increase in gas tax. If we hadn't had an increase in gas tax at that particular time, our metropolitan areas, particularly Los Angeles, would have been stymied with lack of freeways and lack of transportation. Their transportation would have been absolutely stymied down there if they hadn't had that increase in gas tax to accelerate the highway program.

Powers: I recall at that particular time, when I was President pro tem of the senate, the Chamber of Commerce of Los Angeles County came up here and asked us if we would support them on that increase in gas tax to accelerate their highway program. With all of our influence, and all the power we had, it passed the senate with one vote against it, and that was the senator from Los Angeles, who was Jack Tenney. It only passed the assembly, finally, by one vote. That's to increase the gas tax to accelerate the highway system.

Rowland: Do you remember when they first wanted to use the gas tax to build freeways?

Powers: Yes.

Rowland: There was a big battle. The independent oil companies were against a tax on gasoline to build freeways?

Powers: That's right.

Rowland: Do you recall that?

Powers: I just recall that.

Rowland: Earl Warren had to step in and settle the matter between the big oil companies and the independent oil companies.

Powers: I guess he settled that, but the big fight was on the increase in the gas tax to accelerate the highway program, particularly for southern California.

You must remember this--that those thirteen southern counties got sixty percent of the gas tax. So when we accelerated this it gave the Highway Department the authority and the privilege to build those freeways that you've got in Los Angeles today, which they absolutely had to have.

The Chamber of Commerce of Los Angeles came up and met with me. We had many officials of Los Angeles come up and meet with us in the legislature. I was President pro tem of the senate, so they came to the senate. We put all the pressure we could. Earl Warren was for it. And then, it only passed the assembly by one vote, and there was only one vote in the senate against it, and that was the senator from Los Angeles County.

Rowland: Jack Tenney. Why did he vote against it?

Powers: Well, Los Angeles County: The oil companies controlled the vote there. In the assembly it was the control of the oil companies over the legislators, but the only man that they could control in the senate was Jack Tenney.

Powers: That was very big. I was President pro tem then and I remember meetings. They set up four or five different groups of the Chamber of Commerce in Los Angeles.

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Rowland: The California Supreme Court, in September of 1965, ordered both the senate and assembly to reapportion. Some senators have said that it was the influence of some senators and other individuals on that California Supreme Court to order the assembly to reapportion its house in 1965, so that senate reapportionment would pass and it could all be put in one package. In other words, you couldn't reapportion one house unless you reapportioned both houses. It would be a two way street agreement between Jess Unruh and Hugh Burns.

Powers: That was when I was out, so I really can't--I don't have any inside dope on that at all. No sir, I don't. I remember it, but that's all. Mine would be hearsay evidence, which isn't good.

Rowland: Do you recall any of the movements by some assemblymen to give liberal retirement benefits to those senators and assemblymen who would be reapportioned out of their districts?

Powers: That was after I was out too. Reapportionment came on after I was out, so I don't remember that.

Rowland: One last question is on the water project. This was when you were lieutenant governor.

There was the big battle between those mostly northern California senators who refused to give water to southern California, on the argument of riparian rights--water in the county of origin--versus the appropriators, the southern Californians who wanted water.

In talking with several people on this issue, they said that even down in southern California, the Metropolitan Water District was not really in favor of the California Water Plan back in the mid-fifties.

Powers: I think that's probably right. At that time you heard a lot about riparian rights--that's where the water runs through your land--and the county of origin. I know that northern California was very concerned about their riparian rights and the rights of the point of origin being disregarded. I think after they took care of that, I think the majority of them were willing to send the water to southern California--that would be the surplus water. But they surely wanted, and rightfully, the riparian and the point of origin water taken care of first.

Rowland: What was your position?

Powers: I think that would be my position. I'm not like the dog in the manger. I don't regret what they get down there as long as they don't ruin northern California to benefit southern California. As long as they don't hurt us, our surplus water might as well go to southern California as go to the Pacific Ocean.

I think the water project of California is a great thing. I think it's been a wonderful thing for the state of California.

Rowland: One theory holds that [U.S. Senator] Kuchel had delayed any action on speeding up the San Luis project in the lower San Joaquin Valley on the grounds that if the federal government got involved in completing the project, the federal government would step in and enforce the hundred-sixty acre limitation, which would lead to a battle with the large landowners in the west side of the valley.

Powers: I don't recall that. I think Tommy Kuchel was always very fair, and I think he was a very good legislator. I think it's practically coming true now. We don't know just what they're going to do yet on the hundred-sixty acre limitation.

Now if they put in the hundred-sixty acre limitation, as was thought they would do it in 1904--it is not applicable at the present time. I don't know the acreage that should be there now, but it certainly isn't a hundred-sixty acres. With our modern machinery and our modern equipment and mass production that we have, we couldn't go back to hundred-sixty acre farms in California.

Rowland: You being a legislator who was supported by the ranchers here in the San Joaquin would have a sense of the position on that subject. Was that a sensitive thing that always came into focus for you whenever the water project was discussed?

Powers: Yes, it was.

There's a book out, They Would Rule the Valley, by Sheridan Downey. I think that anybody who would read that book would realize how important the hundred-sixty acre limitation could be, and how the federal government could ruin the West Coast, you might say, if that was strictly enforced. Maybe some of our big outfits are too big at the present time, but certainly you couldn't go back to the hundred-sixty acre limitation. It's just not applicable. It might have been in 1904--that's before my time--but it certainly isn't applicable now, or it hasn't been for the last twenty years.

Rowland: So you tended to be against any federal involvement on the California Water Plan, because you would fear that they would step in and want to enforce that hundred-sixty acre limit.

Powers: That's very true. That's right, I was against the federal. If you let the state operate, then the state will operate it probably in a fair manner, because that's home rule. I'd be afraid of federal rule, and would yet.

Rowland: There were some movements during Goodwin Knight's administration to establish what was called the Feather River Project. One major move in the Feather River Project was the creation of the Oroville Dam, which Senator Richards voted against many times. He explained his vote by saying that the cow county senators and the northern senators wanted to keep water in the northern part of the state and not give water rights to the southern part of the state in the Oroville Dam Project.

Powers: Well, the Oroville Dam Project has proved a very worthy project. It's not only a project for irrigation, but it's a project for flood control. If you'll recall, when I was lieutenant governor, on Christmas Day we had millions of dollars of damage done all through the Yuba, and Sutter, and northern Sacramento Counties, and all through Butte County. Clear from Sacramento to Butte County was flooded. It did tremendous damage. That was on Christmas Day.

I recall calling what authority we had. We called the National Guard out to rush assistance to those people. There was a lot of people killed and millions of dollars of damage done.

So the Feather River Project is a worthy project. It's not only worthy for irrigation, it's worthy for flood control. I thought so at that time, and this proves it now.

Rowland: Regarding water rights for southern California, do you feel that southern California was left out of proper water rights?

Powers: Southern California would get the overflow water, and that's all they should be entitled to. And there's plenty of it.

Rowland: You're basing your view on riparian rights?

Powers: Yes.

But the Feather River Project is very important as a flood control project. All of Marysville was under water that Christmas Day. Terrible. I flew over it. You just can't believe what it was up there.

Rowland: We might get one up here, as a matter of fact. [laughter]

Powers: It's just pouring rain out there. That was thunder you heard.

Rowland: It's probably not raining at all in the Bay Area.

Powers: It sure as hell is here.

Rowland: This will be the last question. It deals with the Trinity-Shasta project, which involved electric power from the Shasta Dam and whether PG&E will have access and control of the power to the Shasta Dam, or whether the state will control the project. I think that was an election issue during the 1958 campaign.

Powers: It might have been. I was for the state, I'm sure, on that.

Rowland: You were for the state. William Knowland came out for having the PG&E run the project and control the electrical power.

Powers: Knowland and I didn't see eye to eye on many things, that's right. I think I favored the state.

Rowland: Well, we'll turn this off. Thank you for all the time you've given me and your thoughtful replies to my questions.

Transcriber: Catherine Scholten
Final Typist: Matthew Schneider

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